

JOURNAL

*State Auditor*  
OF THE *to meet*

INDIANA STATE SENATE,

DURING

THE THIRTIETH SESSION

OF

THE GENERAL ASSEMBLY,

COMMENCING

DECEMBER 1, 1845.

---

INDIANAPOLIS:

J. P. CHAPMAN, STATE PRINTER.

1845.



# JOURNAL

OF

## THE SENATE OF INDIANA.

*The Thirtieth Session of the General Assembly of the State of Indiana, begun and held in the Capitol, in the Town of Indianapolis, on Monday, the first day of December, in the year of Our Lord one thousand eight hundred and forty-five.*

THE HON. JESSE D. BRIGHT, Lieutenant Governor of the State of Indiana, and President of the Senate, took the Chair, and directed a call of the members; whereupon,

The following Senators answered to their names, viz.:

*From the counties of Cass, Miami, and Wabash—William M. Reyburn.*

*From the counties of Carroll and Clinton—Andrew Major.*

*From the county of Dearborn—George P. Buell.*

*From the county of Decatur—James Morgan.*

*From the counties of Fayette and Union—James Leviston.*

*From the county of Floyd—John S. Davis.*

*From the county of Fountain—C. V. Jones.*

*From the county of Franklin—George Berry.*

*From the counties of Laporte, Porter, and Lake—Joseph W. Chapman.*

*From the county of Montgomery—Frederick Moore.*

*From the counties of Noble, Lagrange, Steuben, and Dekalb—David B. Herriman.*

*From the counties of Randolph, Blackford, and Jay—I. F. Wood.*



From the county of *Tippecanoe*—Godlove S. Orth.  
 From the counties of *Vigo, Sullivan, and Clay*—Ransom W. Akin.  
 From the county of *Marion*—Thomas J. Todd.  
 From the counties of *Greene and Owen*—John F. Allison.  
 From the county of *Ripley*—Henry J. Bowers.  
 From the county of *Wayne*—Abner M. Bradbury and David P. Holloway.  
 From the counties of *Daviess and Martin*—Elijah Chapman.  
 From the county of *Parke*—William G. Coffin.  
 From the counties of *Gibson, Pike, and Dubois*—Benjamin R. Edmonson.  
 From the county of *Jefferson*—Samuel Goodenow.  
 From the county of *Lawrence*—Hugh Hamer.  
 From the county of *Switzerland*—David Henry.  
 From the county of *Washington*—Ezekiel D. Logan.  
 From the counties of *Hancock and Madison*—Andrew Jackson.  
 From the counties of *Vanderburgh and Posey*—Joseph Lane.  
 From the counties of *Orange and Crawford*—Huston Miller.  
 From the county of *Rush*—Jesse Morgan.  
 From the county of *Morgan*—Parmenter M. Parks.  
 From the county of *Clarke*—James G. Read.  
 From the counties of *Allen, Adams, Wells, and Huntington*—Wm. Rockhill.

#### SENATORS ELECTED IN 1845.

The following gentlemen, elected Senators since the last session of the General Assembly, attended, and having produced their credentials, and taken the oath administered by the Hon. John W. Wright, President Judge of the eighth judicial circuit, in pursuance of the constitution, took their seats, to-wit:

From the counties of *Warren, White, Pulaski, Jasper, Benton, and Starke*—William G. Montgomery.  
 From the county of *Hendricks*—Samuel A. Verbrake.  
 From the counties of *Boone, Hamilton, and Tipton*—William W. Conner.  
 From the counties of *Bartholomew and Jennings*—Heman H. Barbour.  
 From the county of *Johnson*—Franklin Hardin.  
 From the counties of *Jackson and Scott*—Elisha G. English.  
 From the counties of *Monroe and Brown*—William Berry.  
 From the county of *Harrison*—John Zenor.  
 From the counties of *Delaware and Grant*—Richard Winchell.  
 From the counties of *Perry, Spencer, and Warrick*—Mason J. Howell.  
 From the county of *Shelby*—Augustus C. Handy.

From the county of *Henry*—Eli Murphey.  
 From the county of *Knox*—Abner T. Ellis.  
 From the county of *Putnam*—Ambrose D. Hamrick.  
 From the counties of *St. Joseph, Marshall, and Fulton*—William G. Pomeroy.  
 From the counties of *Elkhart, Kosciusko, and Whitley*—Abraham Cuppy.  
 From the county of *Vermillion*—Isaac Chenowith.

On motion,

The Senate then proceeded to the election of a Principal Secretary, Messrs. Ellis and Herriman acting as tellers;

When, on counting the first ballot, it appeared that

Thomas V. Thornton received	-	-	-	-	25 votes.
Willis A. Gorman received	-	-	-	-	19 votes.
James M. Talbott received	-	-	-	-	4 votes.
Blank,	-	-	-	-	2 votes.

No one of the candidates having received a majority of all the votes given, the Senate proceeded to a second balloting;

And, upon counting the same, it appeared that

Willis A. Gorman received	-	-	-	-	26 votes.
John H. Farquhar received	-	-	-	-	22 votes.
Thomas V. Thornton received	-	-	-	-	2 votes.

Willis A. Gorman, having received a majority of all the votes given, was declared duly elected [Principal] Secretary of the Senate for the present session; and, having been sworn into office by the Hon. Jesse D. Bright, President of the Senate, entered upon the duties of his office.

On motion by Mr. Henry,

The Senate proceeded to the election of an Assistant Secretary, Messrs. Henry and Edmonson acting as tellers;

When, on counting the first ballot, it appeared that

James M. Talbott received	-	-	-	-	18 votes.
Isaac N. Akin received	-	-	-	-	8 votes.
John Grant received	-	-	-	-	7 votes.
Peter Daggy received	-	-	-	-	4 votes.
Robert Evans received	-	-	-	-	6 votes.
Matthew S. Ward received	-	-	-	-	5 votes.

No gentleman having received a majority of all the votes given, the Senate proceeded to a second balloting;

When, on counting the same, it appeared that



James M. Talbott received	20 votes.
Isaac N. Akin received	9 votes.
John Grant received	4 votes.
Peter Daggy received	5 votes.
Robert Evans received	2 votes.
M. S. Ward received	3 votes.
Samuel C. Dunn received	6 votes.
Blank,	1 vote.

No gentleman having received a majority of all the votes cast, the Senate proceeded to a third balloting;

When, on counting the same, it appeared that

J. M. Talbott received	19 votes.
I. N. Akin received	23 votes.
P. Daggy received	5 votes.
Robert Evans received	2 votes.

No gentleman having received a majority of all the votes given, the Senate proceeded to a fourth balloting;

And, on counting the same, it appeared that

Isaac N. Akin received	26 votes.
James M. Talbott received	18 votes.
P. Daggy received	4 votes.
John Grant received	1 vote.
Robert Evans received	1 vote.

I. N. Akin, having received a majority of all the votes given, was declared duly elected Assistant Secretary; and having been sworn into office by the Hon. David Kilgore, President Judge of the 11th judicial circuit, entered upon the duties of his office.

On motion,

The Senate proceeded to the election of Doorkeeper, Messrs. Berry and Logan acting as tellers;

And, upon counting the first ballot, it appeared that

O. Hackleman received	2 votes.
Mr. Emory received	2 votes.
Mr. Martin received	2 votes.
Mr. Payne received	3 votes.
Mr. Stone received	8 votes.
Mr. Miller received	15 votes.
Mr. Sayre received	8 votes.
Mr. Tilton received	5 votes.
Mr. Vanhook received	1 vote.
Mr. Sturgeon received	2 votes.
Mr. Youse received	1 vote.
Mr. Newkirk received	1 vote.

No gentleman having received a majority of all the votes given, the Senate proceeded to a second balloting;

When, on counting the same,

David Miller received	17 votes.
Mr. Sayre received	8 votes.
Mr. Stone received	9 votes.
Mr. Emory received	5 votes.
Mr. Tilton received	5 votes.
Scattering,	6 votes.

No gentleman having received a majority of all the votes given, the Senate proceeded to a third balloting;

And, upon counting the same,

David Miller received	18 votes.
Mr. Sayre received	13 votes.
Mr. Stone received	7 votes.
Scattering,	12 votes.

No gentleman having received a majority of all the votes given, the Senate proceeded to a fourth balloting;

And on counting the same,

David Miller received	21 votes.
Mr. Sayre received	15 votes.
Mr. Stone received	5 votes.
Scattering,	9 votes.

No gentleman having received a majority of all the votes given, the Senate proceeded to a fifth balloting;

And, on counting the same,

David Miller received	22 votes.
Mr. Sayre received	12 votes.
Mr. Stone received	8 votes.
Scattering,	8 votes.

No one of the candidates having received a majority of all the votes given, the Senate proceeded to a sixth balloting;

When, on counting the same,

David Miller received	23 votes.
Mr. Sayre received	11 votes.
Mr. Stone received	14 votes.
Mr. Emory received	2 votes.



No gentleman having received a majority of all the votes given, the Senate proceeded to a seventh balloting;

And, on counting the same,

David Miller received	- - - - -	23 votes.
Mr. Stone received	- - - - -	24 votes.
Mr. Sayre received	- - - - -	2 votes.

No gentleman having received a majority of all the votes given, the Senate proceeded to an eighth balloting;

And, on counting the same, it appeared that

David Miller received	- - - - -	21 votes.
Mr. Sayre received	- - - - -	2 votes.
Mr. Stone received	- - - - -	23 votes.
Mr. Emory received	- - - - -	3 votes.

No one of the candidates having received a majority of all the votes given, the Senate proceeded to a ninth balloting;

And, on counting the same, it appeared that

David Miller received	- - - - -	24 votes.
Mr. Stone received	- - - - -	19 votes.
Mr. Sayre received	- - - - -	5 votes.
Mr. Emory received	- - - - -	1 vote.

No one of the candidates having received a majority of all the votes given, the Senate proceeded to a tenth balloting;

And, on counting the same, it appeared that

David Miller received	- - - - -	32 votes.
Mr. Sayre received	- - - - -	7 votes.
Mr. Stone received	- - - - -	10 votes.

Mr. Miller, having received a majority of all the votes given, was declared duly elected Doorkeeper; and having been sworn into office by the Hon. Jesse D. Bright, President of the Senate, entered upon the duties of his office.

On motion by Mr. Davis,  
The Senate adjourned until two o'clock, P. M.

2 o'clock, P. M.

The Senate assembled.

Mr. Logan offered the following resolution, which was adopted:  
*Resolved*, That the Secretary of the Senate inform the House of Representatives that the Senate have convened, formed a quorum, elected Willis A. Gorman Principal Secretary, Isaac N. Akin Assistant Secretary, and David Miller Doorkeeper; and are now ready to proceed to legislative business.

Mr. Pomeroy offered the following resolution:

*Resolved*, That the standing rules in force for the government of the Senate, during the last session, be adopted for its government during the present session.

Mr. Chapman of Laporte moved to amend by excepting the fifty-third rule;

Which amendment was accepted by the mover; and  
The resolution, as amended, was adopted.

Mr. Henry offered the following resolution:

*Resolved*, That the editors and reporters of newspapers published in this State, who are or may be in attendance during the present session of the General Assembly, be permitted to occupy seats within the bar of the Senate, to be appropriated to them by the President of the Senate, for the purpose of reporting proceedings for their respective papers;

Which was adopted.

Mr. Orth offered the following resolution:

*Resolved*, That the Doorkeeper be, and he is hereby, authorized and directed to contract with the proprietors of the Indiana State Journal for the delivery, during the present session, of three copies of their daily paper, separately enveloped, to the President of the Senate, and to each Senator and Secretary, at a price not exceeding one dollar per copy.

Also, that he contract with the proprietors of the *Indiana Democrat* for a similar number of copies of their semi-weekly paper, to be delivered as above, at a price not exceeding seventy-five cents per copy.

Mr. Chapman of Laporte moved to lay said resolution upon the table.

The ayes and noes being desired by two Senators,  
They were as follows:

*Those who voted in the affirmative are,*

Messrs. Akin, Berry of Franklin, Berry of Monroe, Bowers, Chapman of Daviess, Chapman of Laporte, Cuppy, Edmonson, Goodenow, Handy, Hardin, Henry, Herriman, Howell, Jackson, Jones, Lane, Leviston, Logan, Major, Morgan of Rush, Rockhill, Wood, and Zenor—24.



*Those who voted in the negative are,*

Messrs. Allison, Bradbury, Buell, Chenowith, Coffin, Conner, Davis, Ellis, English, Hamer, Hamrick, Holloway, Moore, Morgan of Decatur, Murphey, Orth, Pomeroy, Read, Reyburn, Todd, Verbribe, and Winchell—22.

So the resolution was laid upon the table.

On motion by Mr. Akin,

*Resolved*, That the Public Printer be directed to furnish, at as early a period as possible, one hundred copies of the Standing Rules and Order of Business for the use of the Senate.

On motion by Mr. Jones,

*Resolved*, That the Doorkeeper of the Senate be authorized to furnish each member of the Senate with a copy of the Revised Statutes, a copy of the Journals of the last session of the Senate, and a copy of the laws of the last session of the Legislature, from the State Library, and to return the same to the said Library at the adjournment of the present session of the Legislature.

On motion by Mr. Chapman of Laporte,

Mr. Orth's resolution, in relation to contracting for newspapers for the Senate, was taken from the table.

Mr. Chapman of Laporte moved to amend the resolution, by striking out all after the resolving clause, and inserting the following:

That the President of the Senate, and each member and officer thereof, be authorized to contract for and receive any number of any one or more of the newspapers printed and published in the town of Indianapolis, to be designated by such member or officer, not exceeding in cost the sum of six dollars for each member or officer, which shall be paid for out of the State Treasury.

Mr. Berry of Monroe moved to amend the amendment, by striking out "at the expense of the State," and inserting, "at the expense of each member;"

Which was not adopted.

On the adoption of Mr. Chapman's amendment,

The ayes and noes being called for by two Senators,

Resulted as follows:

*Those who voted in the affirmative are,*

Messrs. Akin, Allison, Berry of Monroe, Bowers, Chapman of Daviess, Chapman of Laporte, Cuppy, Edmonson, English, Handy, Hardin, Herriman, Howell, Jackson, Jones, Lane, Leviston, Logan, Major, Miller, Read, Rockhill, and Wood—23.

*Those who voted in the negative are,*

Messrs. Barbour, Berry of Franklin, Bradbury, Buell, Chenowith, Coffin, Conner, Davis, Ellis, Goodenow, Hamer, Hamrick, Henry, Holloway, Montgomery, Moore, Morgan of Decatur, Morgan of Rush, Murphey, Orth, Pomeroy, Reyburn, Todd, Verbribe, Winchell, and Zenor—26.

On motion by Mr. Edmonson,

The resolution and pending amendments were laid upon the table.

On motion by Mr. Edmonson,

The Senate adjourned till to-morrow morning at nine o'clock.

TUESDAY MORNING, DEC. 2, 1845.

The Senate assembled.

The journal of the preceding day having been read,

On motion by Mr. Buell,

Mr. Orth's resolution in regard to contracting for newspapers, was taken from the table; after which,

Mr. Buell offered the following amendment:

Strike out from the resolving clause and insert the following:

*Resolved*, That the doorkeeper be directed to contract with the editors of the Indiana State Journal for two copies of their daily paper to each member of the Senate, (including the President and officers), during the present session; also, for three copies of the tri-weekly Indiana Democrat to each member, &c., for the same term of time.

Mr. Herriman moved for a division of the question;

Which was ordered by the Senate.

The question then recurred on striking out,

Whereupon the ayes and noes were demanded by Messrs. Orth and Reyburn.

*Those who voted in the affirmative were,*

Messrs. Allison, Bowers, Bradbury, Buell, Chenowith, Coffin, Conner, Davis, Ellis, Goodenow, Hamer, Holloway, Miller, Montgomery, Moore, Morgan of Decatur, Morgan of Rush, Murphy, Orth, Pomeroy, Reyburn, Todd, Verbribe, Winchell, and Zenor—25.



*Those who voted in the negative are,*

Messrs. Barbour, Berry of Franklin, Berry of Monroe, Chapman of Daviess, Chapman of Laporte, Cuppy, Edmonson, English, Hamrick, Handy, Hardin, Henry, Herriman, Howell, Jackson, Jones, Lane, Leviston, Logan, Major, Rockhill, Read, and Wood—23.

So the Senate decided to strike out.

The question then recurred on the adoption of Mr. Buell's amendment;

Which was decided in the affirmative.

Mr. Chapman of Laporte moved a call of the Senate;

Which was ordered.

It appearing that the only absentee was Mr. Parks,

On motion,

It was ordered that he be sent for.

Mr. Parks appearing in his seat, the further call was suspended.

Mr. Miller moved to reconsider the vote by which Mr. Buell's amendment was adopted;

And the ayes and noes being demanded by Messrs. Ellis and Morgan of Decatur,

*Those who voted in the affirmative are,*

Messrs. Akin, Barbour, Berry of Franklin, Berry of Monroe, Chapman of Daviess, Chapman of Laporte, Cuppy, Edmonson, English, Handy, Hardin, Herriman, Howell, Jackson, Jones, Lane, Leviston, Logan, Major, Miller, Parks, Read, Rockhill, and Wood—24.

*Those who voted in the negative are,*

Messrs. Allison, Bowers, Bradbury, Buell, Chenowith, Coffin, Conner, Davis, Ellis, Goodenow, Hamer, Henry, Holloway, Montgomery, Moore, Morgan of Decatur, Morgan of Rush, Murphy, Orth, Pomeroy, Reyburn, Todd, Verbribe, Winchell, and Zenor—25.

So said vote was not reconsidered.

Mr. Buell moved to indefinitely postpone said resolution and pending amendments;

And the ayes and noes being called for by Messrs. Morgan and Buell,

*Those who voted in the affirmative are,*

Messrs. Allison, Berry of Franklin, Berry of Monroe, Bowers, Buell, Conner, Cuppy, Ellis, Goodenow, Hamer, Hamrick, Hardin, Henry, Holloway, Leviston, Major, Moore, Morgan of Decatur, Morgan of Rush, Murphy, Orth, Parks, Pomeroy, Reyburn, Rockhill, Todd, Winchell, Wood, and Zenor—29.

*Those who voted in the negative are,*

Messrs. Akin, Barbour, Bradbury, Chapman of Daviess, Chapman of Laporte, Chenowith, Coffin, Davis, Edmonson, English, Handy, Herriman, Howell, Jackson, Jones, Lane, Logan, Miller, Montgomery, Read, and Verbribe—21.

So the resolution and pending amendments were indefinitely postponed; whereupon,

Mr. Coffin moved to reconsider the vote on the indefinite postponement of said resolution and amendments;

Which vote was not so reconsidered; whereupon,

Mr. Chapman of Laporte offered the following resolution:

*Resolved*, That the President of the Senate, and each member and officer thereof, be authorized to contract for and receive any number of any one or more of the newspapers printed and published in the town of Indianapolis, to be designated by such member or officer, not exceeding in cost the sum of six dollars for each member and officer, which shall be paid for out of the State treasury.

During the pendency of which,

The following messages were received from the House of Representatives by Mr. Kinder, their Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House have adopted the following resolution:

*Resolved*, That the Clerk of this House inform the Senate, that the House of Representatives have convened, formed a quorum, elected John S. Simonson Speaker, T. B. Kinder Principal Clerk, F. M. Williams Assistant Clerk, John S. Berryhill Doorkeeper, and are now ready to proceed to legislative business.

MR. PRESIDENT:

I am directed by the House to inform the Senate that the House have adopted the following resolution:

*Resolved*, That a committee of two be appointed on the part of the House to act with a similar committee on the part of the Senate, to wait upon his Excellency, the Governor, and know at what time it will suit his convenience to make his annual communication to the two Houses of the General Assembly.

Messrs. Carr and Rosseau have been appointed the committee on the part of the House.

MR. PRESIDENT:

I am directed by the House to inform the Senate that the House have adopted the following resolution:



*Resolved*, That a committee of two be appointed upon the part of the House to act with a similar committee upon the part of the Senate, to respectfully request the Rev. William V. Daniel to attend in the Hall of the House of Representatives on to-morrow morning, at 10 o'clock, A. M., to open the present session of the General Assembly by prayer; and that the Senate be requested to reciprocate this resolution; and that seats be provided upon the right of the Speaker's chair for the Senators.

And the House have appointed Messrs. Thompson and Vandever said committee on the part of the House.

The Senate resumed the consideration of Mr. Chapman's resolution; and,

The ayes and noes being called for by two Senators, on its adoption,

*Those who voted in the affirmative are,*

Messrs. Akin, Barbour, Bradbury, Chapman of Daviess, Chapman of Laporte, Chenowith, Coffin, Conner, Davis, Edmonson, English, Handy, Hardin, Herriman, Holloway, Howell, Jackson, Jones, Lane, Miller, Montgomery, Moore, Pomeroy, Read, Reyburn, and Verbriek—26.

*Those who voted in the negative are,*

Messrs. Allison, Berry of Franklin, Berry of Monroe, Bowers, Cuppy, Ellis, Goodenow, Hamer, Hamrick, Henry, Leviston, Logan, Major, Morgan of Decatur, Morgan of Rush, Murphey, Rockhill, Todd, Winchell, Wood, and Zenor—21.

So said resolution was adopted.

Mr. Read offered the following resolution:

*Resolved*, That a committee of two on the part of the Senate, to act with a similar committee on the part of the House of Representatives, be appointed to wait upon his Excellency, the Governor, and inform him that the General Assembly are now ready to receive any communications that he may be pleased to make, and that the House be informed thereof.

Which was adopted.

Messrs. Read and Morgan of Decatur were appointed said committee on the part of the Senate.

Mr. Akin offered the following resolution:

*Resolved*, That the joint rules which were in force for the government of the General Assembly at the last session, be adopted by the Senate as the rules of joint action for the present session, and that the House of Representatives be informed thereof, and its concurrence respectfully requested therein.

Which was adopted.

The messages from the House of Representatives were then taken up.

Mr. Henry moved to reciprocate the resolution of the House appointing a committee to act with a similar committee on the part of the Senate, to wait upon the Rev. Mr. Daniel, inviting him to open the present session of the General Assembly with prayer;

Which motion prevailed; whereupon,

Messrs. Henry and Rockhill were appointed said committee on the part of the Senate.

On motion by Mr. Herriman,

The resolution of the House of Representatives, appointing a committee to wait upon his Excellency, the Governor, in conjunction with a similar committee on the part of the Senate, to inform him that the General Assembly are now ready to receive any communication he may be pleased to make to them, was reciprocated by the Senate.

On motion by Mr. Logan,

The Senate adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

The Senate met.

Mr. Read, from the joint committee on the part of the Senate, made the following report:

MR. PRESIDENT:

The joint committee, consisting of two Senators and two members of the House of Representatives, appointed to wait upon his Excellency, the Governor, and inform him that the two Houses of the General Assembly were duly organized, and were ready to receive any communication he might be pleased to make to them, and to report to their respective Houses at what time he would make such communication, have directed me to report to the Senate, that they have discharged the duty assigned to them. The committee were informed by his Excellency that he would, on this day, at half past two o'clock, P. M., in the Hall of the House of Representatives, communicate his annual message to the General Assembly.

The following message from the House of Representatives was received, by Mr. Kinder, their clerk:



MR. PRESIDENT:

I am directed by the House to inform the Senate that the House have adopted the following resolution:

*Resolved*, That the Senate be invited to attend in the Hall of the House of Representatives, *instantly*, to hear the message of his Excellency, the Governor, and that seats be provided for them on the right of the Speaker's chair.

Whereupon the Senate repaired to the Hall of the House of Representatives, and, after receiving the following message from his Excellency, the Governor, returned to their Chamber:

### MESSAGE.

*Gentlemen of the Senate,  
and of the House of Representatives:*

In being permitted again to convene under auspicious circumstances, for the discharge of the important trusts delegated to us for the welfare of the people, we find abundant cause of congratulation. During the year which is now drawing to a close, sickness, although wide spread, has been attended with but comparatively little mortality, and is happily succeeded by the blessings of health; the supremacy of the laws has been maintained; abundant harvests have crowned the labors of the year; our leading products are commanding encouraging prices; self-relying industry has been rewarded and stimulated by its merited compensation, and the deep gloom of individual embarrassment, which so long has overspread the State, is slowly retiring before the light of returning prosperity. For these, and numerous other blessings, it becomes us to render our grateful thanks to Him, the Giver of every good and perfect gift, and humbly to implore a continuance of His favor.

The ordinary expenses of the Government for the fiscal year, ending on the 31st of October last, were \$71,122 29, being \$22,246 44 less than the expenses of the preceding year. In these expenses are also included payments for the construction of the new State Prison, and for a thorough repair of the State-house, under appropriations made for those objects.

The ordinary expenses for the year 1846, are estimated at \$67,100, being a still further reduction of four thousand dollars.

The number of polls for 1845, estimating for some counties from which no returns have been received, is about 124,000, and the value of taxables, making a similar allowance, may be stated at about \$118,500,000. This exhibits an increase of 6000 polls, and of \$2,300,000 of taxables over the returns of 1844. The whole amount of State revenue paid in during the last fiscal year, was

\$271,963 69. The assessment of State revenue for 1845, is \$319,424 81; that for county, road, school, and township purposes, is \$431,100 40. To which adding the delinquencies of former years, amounting to \$118,572 13, and the total amount of assessments for the year 1845, is \$869,097 02.

The result of my own observation and reflection, has been to satisfy me that there is great room for reform in our present system of county expenditures. In the last fiscal year, the aggregate taxes levied for county purposes, almost equalled, and in 1844, they actually exceeded, the whole amount of our State revenue in those years respectively. The fault, no doubt, is mainly imputable to the system itself, rather than to its administration. A leading item of expense, is the pay of jurors in our courts of justice. Under the option given to parties, issues of fact are frequently tried by the courts, and the spectacle is often exhibited, of the jury being in attendance, unemployed and at an unnecessary expense to the county. It is respectfully suggested, whether this evil could not in a great degree be remedied by establishing an issue term, or by requiring that, during the first days of the regular term, causes shall be brought to issue, ready for trial, and that *then*, and before the jury and witnesses are summoned, the parties in each case shall elect, whether the trial shall be by the court or jury. By placing the jury causes together on the docket for particular days of the term, the jury and witnesses when convened would be as constantly occupied until discharged as the nature of the business would permit. This it is believed, would save to such persons a heavy tax upon their time, lighten the county burdens, and promote the cause of justice.

Since the last adjournment of the Legislature, a grant of one half of all the public lands in the Vincennes district, has been made by the United States to Indiana, to aid in the extension and completion of the Wabash and Erie canal, from Terre Haute to Evansville.

The grant has a two-fold aspect. By the first section of the act, there is conveyed to the State one moiety of the public lands lying in a strip five miles in width on each side of the canal from one end to the other, but restricted in the mode of selection by the principle of *alternation*,—that is, by reserving to the United States every alternate section, or other proper subdivision.

By the second section of the act, there is also granted to the State, one half of all the remaining lands lying *without* the limits of the strip and within the same land district; but as the principle of alternation is not imposed as to this part of the grant, the State is left at liberty to set off her moiety in such places within the limits of the grant, as may best promote her interest.

As these selections were authorized by the act of Congress to be made under the direction of the Governor of the State, it early became an object of the greatest solicitude that such measures should be adopted as would secure as far as practicable, the most valuable



portion of these lands for the important object for which the grant was made. Supposing the State's half of the lands to amount to eight hundred thousand acres, which is very near the truth, then, a difference in the value of only twelve and a half cents per acre, occasioned by an injudicious selection, would amount in the aggregate to a loss of one hundred thousand dollars to the State. But the difference would, in all probability, be still greater, and operate far more injuriously to the interests of the State, without the observance of the same caution, by which a prudent individual would be governed in the purchase of lands. It was regarded as important, therefore, that every tract of public land subject to selection should be actually visited and examined by a person of competent skill and experience before a final selection should be made. By the terms of the act, further sales of public lands in the district were directed to be suspended until the selections should be perfected, and a return of the same made to the Secretary of the Treasury, and to the District Land office. But as it was also provided that this suspension should not continue beyond the period of twelve months from the passage of the act, which expires on the 3d of March next, and as there were nearly 1,600,000 acres of lands to be examined, (from which the State's moiety was to be selected,) extending through the twenty-three counties and parts of counties, embraced within the district, it became necessary to appoint a number of examiners sufficient to complete the work, not only by the time specified, but in a manner the most conducive to the interest of the State.

A separate map, as well as a separate list of all the unsold lands, in each of these counties, was procured from the General Land Office, to be placed in the hands of the several examiners to facilitate their labors, and to guide them in their operations. Soon after these were received, the examiners were convened at a central point, in order that by the specific instructions which were there given them, the necessary accuracy and uniformity on their part should be ensured. Had they been required to select for the State each in his own county, the better half of the lands therein contained, these separate moieties might not, and indeed it is certain they would not constitute the better half of the aggregate of the public lands in the district at large. They were directed, therefore, to divide the lands in their respective counties into five classes, according to their value, as compared with a common standard. F. E. Goodsell, Esq., of Evansville, was appointed as a general agent to visit the different examiners while thus engaged, and by comparing their estimates, to secure the necessary uniformity in classifying the different rates. By this means it was believed, that when the final reports of the examiners should be received, it would not be difficult to select the best classes of lands for the State.

By the terms of the grant, the State is prohibited from selling her portion of the lands, for less than the minimum price, for the time being, of other public lands.

But no restriction exists against the disposal of them in any quantities, however small. Believing that it would be found advisable to sell as low as in quarter-quarter sections, which would benefit the State by inviting a wider competition, and increasing the number of freeholders, the lists procured from the General Land Office, were transcribed and subdivided into tracts of that size, before they were put into the hands of the examiners.

Thus each forty acre tract will be found *separately* rated and ready to receive a corresponding valuation in the discretion of the Legislature, which would obviate the danger existing, in the case of uniform prices, of the best tracts of that size being first purchased, and a residue of unsaleable lands left on hand.

The State has heretofore found it necessary to make a graduated valuation of all lands granted to her for similar objects; and if the means had not been thus afforded to the Legislature, of at once affixing a suitable price to each class of lands in the present grant, the necessity would exist of having another valuation by another personal examination, with the same amount of additional expense, and what is probably of more importance, necessarily deferring action upon the subject for another year.

I am happy to state that, notwithstanding much delay occasioned by the prevalent sickness of the past season, the different examiners have finished their labors. Complete returns of their work have been received, and suitable persons are now engaged in this place, in making the final selections from them.

It has already been stated that the mode of selecting the State's moiety within the strip on each side of the canal, differs from that of selecting her portion without the strip. Hence, before the selections could be completed, either within or without the strip, it was necessary that the precise location of the canal should be known. This, on account of the loss of the notes of the former survey, the obliteration of marks, and other causes, it was found impossible to ascertain without a *new survey*. Accordingly, three experienced engineers, R. H. Fauntleroy of Posey, aided by W. J. Ball of Vigo, and S. C. Bradford of Warrick, were appointed to ascertain and fix the location of the canal in time for the selection of the lands. This duty has been performed, and a chart of the route of the canal, and of the lands selected for the State within the strip, is now in course of preparation. The chart, when finished, will be immediately forwarded to the General Land Office, because until that is done, the lands, by the terms of the grant, are not vested in the State.

This munificent donation, in connection with the disposition which it is understood is manifested by our bond-holders, may have an important bearing upon the credit of the State. And it is hoped, that it has been rendered apparent, that no pains have been spared on my part to gain to it the utmost value for that purpose.

The opinion has hitherto been nearly, if not quite universal among our citizens, as well as others acquainted with our condition and



resources, that it is beyond the power of the State, at present, to fully meet its obligations. Even the plan submitted at the last session, in the Senate, virtually made this concession, by proposing to convert our bonds, mostly bearing five per cent. interest, into a stock bearing only three per cent. No plan that has been mooted for a resumption of payment, even the most stringent, has contemplated a full and immediate payment. The most rigid proposition has looked to a long indulgence on paying but a small part of the current interest, and funding the residue, together with that which is in arrears.

The completion of this canal, however advantageous it may be to the interests of those within its vicinity, it is manifest, claims your favorable regard, as the representatives of the State at large, chiefly as a revenue measure. And in that light it is believed to possess claims of a high character. The work, when finished, passes through a country of almost unrivalled fertility, and rapidly increasing population. Reaching in its full length, from Lake Erie to the Ohio river, it will be the longest work of the kind in the United States. It will be second in importance only to that which connects Lake Erie and Hudson's River, and will make one of the links in the great chain of internal navigation from the Northeastern to the South-western extremities of our growing confederacy.

It was stated in a quarter entitled to respect and confidence, at a meeting held at Terre Haute in May last, that if the State were to pay to her bond-holders, by a State tax and otherwise, a portion of her public debt, it was thought that they would be prepared to take the profits of the canal for the balance. The gentleman who expressed this opinion, is now in attendance as the representative of our foreign bond-holders, and has verbally advised me that he will shortly prepare a communication offering a liberal arrangement, to be laid before the General Assembly.

In my last annual message, the opinion was expressed, that the great mass of our fellow citizens were willing and anxious to meet all our just obligations, that with them it was a question not of inclination but of ability, and that I had great confidence if a plan for extinguishing the debt should be matured and agreed upon—one which in terms would be feasible, and clearly brought within the ability of the State to meet, that an appeal to the moral sense of the citizens for their approval at the ballot box would not be made in vain. While nothing has since taken place to change, much has occurred to strengthen this opinion. More than two thirds of the State tax now paid by the people of Indiana, is devoted to the payment of the public debt. This tax has been steadily borne through years of discouragement and in the midst of unjust reproaches. When the domestic debt, existing in the form of treasury notes, and used as a currency, is absorbed in this manner, or is disposed of by a different and satisfactory arrangement, all of our State revenue, beyond the current expenses, can be applied to the payment of our foreign debt. By a similar application of the amount saved by the

needed reform in our county expenditures, and by strict economy in every branch of the public service, the amount of the annual interest due on our foreign debt would be still further reduced. Should the proposition be again made on the part of our bond holders to take the profits of the canal for such a portion of our public debt as will enable the State, with the aid of the means above referred to, to pay the balance, I doubt not that the people will cheerfully submit to the necessary burthen, which, while it saves the honor, and resuscitates the credit of the State, will, by increased immigration, the enhanced value of property, the restoration of confidence, and the improvement of the credit of our citizens individually, more than compensate them for their outlay.

That such an arrangement will be made as will be satisfactory to our creditors, and will restore the tarnished escutcheon of Indiana to its original brightness, I will not permit myself to doubt. A searching and thorough reform in every branch of our county expenditures, of which I have given a solitary instance, the growing determination among our tax payers to wipe off our reproach, with a liberal spirit and disposition manifested by our creditors to facilitate their doing so,—will secure the consummation of that much desired result.

The early completion of the canal from Lafayette to Terre Haute, would, by the increased revenue to be thence derived, exercise a most favorable influence upon this question. There are yet some thirty-six thousand acres of land granted for that work, which have not yet been selected. I have hitherto abstained from causing the selection to be made, in the hope that permission may be obtained from Congress to make it in the Miami Reservation. Such a measure would have a most important bearing upon the completion of the work. It is hoped that a thorough examination into the causes which have delayed its progress will be made, with the view, if possible, of applying the necessary corrective.

As in the expected communication from the agent of our creditors, some proposition may be submitted in relation to the disposition of the lands, and the construction of the canal, with the precise nature of which, I am not now sufficiently acquainted, any expression of opinion upon those subjects, is, for the present, deferred. I recommend, however, that provision be made to secure to existing settlers upon the lands granted to the State, a suitable indemnity for their labor, by which the lands have been enhanced in value. This is required by justice and is in accordance with the former policy of the State under like circumstances.

I cannot consistently with a sense of duty, omit respectfully calling your attention once more, to the propriety of giving to justices of the peace exclusive jurisdiction in many petty misdemeanors, which are now punishable by indictment in the circuit courts, for reasons set forth in my last annual message. Concurrent jurisdiction might also be given to them in some minor offences of a higher grade, as is now the case in assaults and batteries, affrays and other



breaches of the peace; with the same restrictions of securing to the accused, the right of trial by jury, where the same is guaranteed by the constitution; and of providing for his being recognized for trial in the circuit court, either at his own election, or, where the justice shall be of opinion, that the highest punishment which he may be authorized to inflict will not be adequate to the offence. The time of the circuit courts is already so much occupied with trivial prosecutions, as to frequently cause a vexatious delay of justice to parties in the most important civil suits, and the evil must continue to increase with the growth of our population. The punishment by fine, although light, is so much augmented by the costs of court, and other expenses, saying nothing of loss of time, that it is believed there is scarcely a State in the Union where the same grade of offences is visited with so much severity.

The vast and growing amount of our special legislation, is a subject well calculated to arrest attention. Much the greater part of the time of the Legislature is occupied in passing local and private acts, for most of which, it is well worthy of consideration, whether ample provision cannot be made by a few general laws. An illustration is afforded in the laws for the incorporation of towns and churches. It is true that the former has not prevented applications for town charters, but these, it is believed, are in most cases unnecessary, and in all they might be rendered so, by so amending the general law, as to confer the necessary powers. The same local authorities upon whom the law confers the right of establishing ferries, might, under suitable restrictions, be authorized to license toll gates and toll bridges. This would save much delay in making the necessary application for the privilege sought, and would hasten the completion of works of much needed improvement.

At nearly, if not quite every session, special laws are passed for the election of justices of the peace, in addition to those authorized by the general law. In one session as many as seventeen, and in the following session, eighteen such bills were passed. It is respectfully suggested, whether by clothing the Boards of Commissioners with the necessary powers, the object could not be as well attained, the wants of the community sooner met, and no small amount of the expense and labor of legislation saved.

Bills have been passed vacating towns and parts of towns, and to change their names, and examples have not been wanting of successful applications to vacate town alleys. Admitting the power of the legislature to effect each of these objects, it follows, that it can, by a general law be transferred, and, it is believed, more appropriately transferred to the county commissioners.

A more fruitful source of legislation is that of granting corporate powers to seminaries, literary societies, military companies, bands of musicians, to mill and manufacturing companies, and to other objects of a purely local and private character. Within the last eight years, there have been passed in this State, above four hundred private

acts of incorporation, mostly for similar objects, making an average of more than fifty voluminous acts for each session. Without discussing the utility of these corporate privileges in every case, the opinion is confidently expressed, that all who need them, might be enabled to attain their object by a general law. By this means, a vast accumulation of private and special acts would be dispensed with, which only serve to lengthen the session, to increase the labors of the members, and what is not of less importance, to withdraw the mind from that full and matured consideration of important questions of a general and pervading character which is demanded by the public welfare. It would be proper in any general law of this character, to limit the amount of property to be held, to provide for the principle of individual liability where the same would be applicable, and to insert the other usual restrictions in our legislation upon these subjects, with a reservation to the General Assembly of the right of modification or repeal.

The policy of confinement in county jails, as a punishment for crime, may, in most cases, well be questioned. It is not only a serious burden on the counties, but it is believed to be incompatible with reformation, which is the leading purpose of criminal punishment. The attainment of this object may be hoped for by the penitentiary system, when made to combine imprisonment, with hard labor, and a suitable moral discipline. But this system, under our present laws only operates upon the higher classes of offenders, and has no bearing upon prisoners in the county jails. Yet there is far more hope of reclaiming the latter by this system than the former, who, generally speaking, are more practised in crime. As a remedy for this evil, the application of the principle of penitentiary discipline upon those guilty of minor offences, as well as upon juvenile and female offenders, by means of Houses of Correction, is respectfully recommended. They should be established with an eye to the comfort and separate employment of the inmates, and to the exercise of a kindly, but firm and steady discipline.

By this means vicious associations would be prevented, and habits of industry formed. For all, who are the children of misfortune, rather than of crime, (and of such, are most of those who have only committed their first offence,) such a retreat would be, not only in name, but in fact, houses of refuge.

A principal obstacle to the permanent reformation of the penitentiary convict, is, that having lost his self-respect, and despairing of ever regaining the good opinion of the community, he feels at his release, that his character is gone and that he has nothing worth living for but the mere support of his animal existence. To obviate this difficulty as far as possible, I established a rule, that on a written report from the clerk of the prison, that a convict had faithfully complied with the rules of the prison, and by his exemplary conduct, had given evidence of reformation, he should be restored to the rights of citizenship—to the same platform whence he had descend-



ed, by a pardon, bearing on its face, the cause of its being granted. Four convicts have already availed themselves of this privilege since last February, when the rule was first established, and I am informed by the clerk, that more had entitled themselves to, and would gladly have availed themselves of this favor, but for the fact, that they would thereby lose the small sum of money, which, under an existing law, is paid to every convict at the *end of the time* for which he is sentenced, as a necessary means of support, until he can get into reputable employment. I recommend that the same law be made to apply to all cases, where the prisoner is released by pardon, within a given time before the expiration of his sentence, and expressly on the ground of good conduct.

The report of the visitor of the State Prison has been received, and will shortly be laid before you, with such remarks as may be required by the subject.

The fixing of the number of Representatives and Senators, and the apportioning of them among the several counties, according to the number of polls lately returned, will devolve upon the present General Assembly. In settling the details of this measure, it is respectfully recommended to your consideration, whether the number of the members in each branch of the Legislature may not be reduced without disadvantage to the public service. Besides the saving to the treasury, which would be effected by such a reduction, the opinion seems to prevail, and not without foundation, that where deliberative bodies are as small as will consist with a due knowledge and representation of the wants of the constituency on the part of their delegation, the dispatch of business is not only greater, but that mature and dispassionate legislation is better secured. On this subject, however, the will of your constituents, of which you are the rightful exponents, and with which you are better acquainted, should be, and I doubt not will be, properly consulted.

The annual reports of the Adjutant General, and Quarter-master General, are herewith submitted. The former contains some suggestions in relation to drawing our full quota of the public arms from the General Government, of which we have been deprived since 1832. My views on this subject, were submitted in my former message, to which reference is respectfully made.

By the latter report it will be seen, that under the direction of the Quarter-master General, there have been collected of the public arms, which had been scattered in various parts of the State, eleven hundred and seventy-five pieces, of which six hundred and one pieces have undergone the necessary repairs.

The recommendation of the last named officer, touching the transportation of arms, commends itself to your favorable consideration, on the score, both of economy and sound policy. The expense of collecting, repairing, and transporting arms, constitutes a large portion of the disbursements from the contingent fund, and as this will be an annual expenditure, it is recommended that *it*, as well as the

postage account, be separately appropriated under their proper heads.

The present may well be regarded as a crisis in the affairs of the State. Some of the various subjects which will engage your attention, are of vital importance to the welfare of Indiana. That there should be an entire unanimity of opinion upon all these questions, and especially as to their details, is not to be expected. But they need, and it is trusted that they will receive, your maturest deliberations, in that spirit of deference, of conciliation, and of concession, which, in such cases, is almost essential to success.

JAMES WHITCOMB.

INDIANAPOLIS, *December 2, 1845.*

Mr. Henry, from the joint committee appointed to wait upon the Rev. William V. Daniel, made the following report :

MR. PRESIDENT :

The joint committee appointed to wait on the Rev. William V. Daniel, a Minister of the Gospel, and request him to attend in the Hall of the House of Representatives to-morrow morning at 10 o'clock, A. M., for the purpose of opening the present session of the General Assembly with prayer, have performed that duty, and received for answer, that he will attend at 10 o'clock to-morrow, for the purpose, as requested by your committee.

On motion by Mr. Chapman of Laporte,  
The Senate adjourned until to-morrow morning, at 9 o'clock.

WEDNESDAY MORNING, DEC. 3, 1845.

The Senate assembled.

The journal of the preceding day having been read,

Mr. Henry offered the following resolution :

*Resolved*, That fifteen hundred copies of the Governor's message be printed for the use of the Senate.

Mr. Chapman of Laporte named 3000 copies ;

Not adopted.

Mr. Buell proposed 2500 copies :



Not adopted.

Mr. Herriman proposed 2000 copies.

The ayes and noes were called for on the adoption of Mr. Herriman's amendment by Messrs. Chapman of Laporte and Herriman.

*Those who voted in the affirmative are,*

Messrs. Allison, Barbour, Berry of Monroe, Bowers, Buell, Chapman of Daviess, Chapman of Laporte, Coffin, Cuppy, Edmonson, English, Hamrick, Handy, Herriman, Howell, Jackson, Jones, Lane, Major, Miller, Pomeroy, Read, Reyburn, Rockhill, and Wood—25.

*Those who voted in the negative are,*

Messrs. Akin, Bradbury, Chenowith, Conner, Davis, Ellis, Goodenow, Hamer, Hardin, Henry, Holloway, Logan, Montgomery, Moore, Morgan of Dearborn, Morgan of Rush, Murphy, Orth, Todd, Verbribe, Winchell, and Zenor—22.

So the amendment was adopted.

Mr. Orth moved to amend by adding 1000 copies in the German language.

Which amendment was accepted by the mover.

Mr. Ellis moved further to amend, by adding 1000 copies in the French language.

Messrs. Edmonson and Davis called for the ayes and noes on the adoption of Mr. Ellis's amendment, and

*Those who voted in the affirmative are,*

Messrs. Akin, Allison, Barbour, Bowers, Bradbury, Buell, Chapman of Daviess, Chapman of Laporte, Chenowith, Coffin, Conner, Davis, Ellis, English, Jones, Lane, Miller, Orth, Pomeroy, and Rockhill—20.

*Those who voted in the negative are,*

Messrs. Berry of Monroe, Cuppy, Edmonson, Goodenow, Hamer, Hamrick, Handy, Hardin, Henry, Herriman, Holloway, Howell, Jackson, Logan, Major, Montgomery, Moore, Morgan of Decatur, Morgan of Rush, Murphy, Read, Reyburn, Todd, Verbribe, Winchell, Wood, and Zenor—27.

So the amendment was not adopted.

The question then recurred on the adoption of Mr. Orth's amendment, and,

The ayes and noes being demanded by Messrs. Ellis and Morgan of Decatur,

*Those who voted in the affirmative are,*

Messrs. Barbour, Berry of Monroe, Buell, Chapman of Daviess, Chapman of Laporte, Cuppy, Edmonson, English, Handy, Hardin, Herriman, Howell, Jackson, Jones, Lane, Logan, Major, Miller, Orth, Pomeroy, Read, Reyburn, Rockhill, Todd, Winchell, and Wood—26.

*Those who voted in the negative are,*

Messrs. Akin, Allison, Bowers, Bradbury, Chenowith, Coffin, Conner, Davis, Ellis, Goodenow, Hamer, Hamrick, Henry, Holloway, Montgomery, Moore, Morgan of Decatur, Morgan of Rush, Murphy, Verbribe, and Zenor—21.

So the amendment was adopted.

Mr. Ellis offered an amendment, providing for the printing of 500 copies of the Governor's message in the French language.

The ayes and noes being demanded by Messrs. Herriman and Read,

*Those who voted in the affirmative are,*

Messrs. Akin, Allison, Barbour, Buell, Chapman of Daviess, Chapman of Laporte, Chenowith, Coffin, Conner, Davis, Ellis, Howell, Jones, Lane, Miller, Moore, Orth, Pomeroy, Rockhill, Todd, and Winchell—21.

*Those who voted in the negative are,*

Messrs. Berry of Monroe, Bowers, Bradbury, Cuppy, Edmonson, English, Goodenow, Hamer, Hamrick, Handy, Hardin, Henry, Herriman, Holloway, Jackson, Logan, Major, Montgomery, Morgan of Decatur, Morgan of Rush, Murphey, Read, Reyburn, Verbribe, Wood, and Zenor—26.

So said amendment was not adopted.

Mr. Akin moved to lay the whole matter on the table; and,

The ayes and noes being called for by Messrs. Herriman and Morgan of Decatur,

*Those who voted in the affirmative are,*

Messrs. Akin, Buell, Chapman of Daviess, Chenowith, Coffin, Conner, Davis, Ellis, Goodenow, Hamer, Hamrick, Holloway, Morgan of Decatur, and Todd—14.



*Those who voted in the negative are,*

Messrs. Allison, Barbour, Berry of Monroe, Bowers, Bradbury, Chapman of Laporte, Cuppy, Edmonson, English, Handy, Hardin, Henry, Herriman, Howell, Jackson, Jones, Lane, Logan, Major, Miller, Montgomery, Moore, Morgan of Rush, Murphy, Orth, Pomeroy, Read, Reyburn, Rockhill, Verbriek, Winchell, Wood, and Zenor—33.

So the motion to lay upon the table did not prevail.

The following message was received from the House of Representatives, by Mr. Kinder, their clerk :

MR. PRESIDENT :

I am directed to inform the Senate that the House of Representatives have adopted the following resolution :

*Resolved*, That the House will, the Senate concurring therein, proceed on to-morrow, at half past ten o'clock, A. M., to the election of judges in the fourth, tenth, and eleventh judicial circuits.

Mr. Reyburn moved to reconsider the vote refusing to print 500 copies of the Governor's message in the French language ;

Which motion prevailed.

Mr. Ellis's amendment, providing for the printing of 500 copies in the French language,

Was then adopted.

And the original resolution, as amended, was adopted by consent.

Mr. Handy offered the following resolution :

*Resolved*, That so much of the Governor's message as refers to the fixing of the number of Senators and Representatives, and apportioning the same among the several counties of the State, be referred to a select committee to consist of one Senator from each Congressional district, and two Senators for the State at large.

Mr. Morgan of Rush moved to lay said resolution upon the table.

Which motion prevailed.

On motion by Mr. Chapman of Laporte,

The message from the House, in relation to proceeding to-morrow at half past ten o'clock, A. M., to the election of judges in the fourth, tenth, and eleventh judicial circuits, was taken up and reciprocated.

Messrs. Berry of Monroe and Goodenow were appointed tellers on the part of the Senate.

The President laid before the Senate the following communication, to-wit :

AUDITOR OF STATE'S OFFICE,  
December 3, 1845. }

HON. JESSE D. BRIGHT,

*President of the Senate :*

SIR—I have the honor to submit herewith the returns made to this office, under act of January 13, 1845, of the resident white male inhabitants above the age of twenty-one years, in the several counties in this State.

I am, very respectfully,

Your obedient servant,

HORATIO J. HARRIS,

*Auditor of State.*

[*See Documentary Journal.*]

Which was laid upon the table, and five hundred copies ordered to be printed.

The following message was received from the House of Representatives, by Mr. Kinder, their clerk :

MR. PRESIDENT :

I am directed by the House to inform the Senate that the House have adopted the following resolution :

*Resolved*, That the Senate be invited to attend in the Hall of the House, *instantly*, to hear the prayer of the Rev. William V. Daniel, and that seats be provided for the Senators on the right of the Speaker's chair.

The Senate then repaired to the Hall of the House of Representatives, and, after hearing the prayer of the Rev. Mr. Daniel, returned to their Chamber.

Mr. Buell offered the following resolution :

*Resolved*, That a select committee of five be appointed to enquire into the expediency of reducing the fees of pilots for conducting boats over the falls of the Ohio.

Which was adopted,

And Messrs. Buell, Read, Berry of Franklin, Goodenow, and Henry were appointed said committee.

The President laid before the Senate the report of the State Librarian.

[*See Documentary Journal.*]



On motion by Mr. Buell,

Said report was laid upon the table, and one hundred copies ordered to be printed.

The President laid before the Senate the appointment of the following standing committees of the Senate during the present session :

#### ON ELECTIONS.

Messrs. Rockhill, Allison, Berry of Franklin, Bowers, Cuppy, Ellis, Hamrick, Jackson, and Leviston.

#### ON FINANCE.

Messrs. Akin, Barbour, Coffin, Conner, English, Goodenow, Handy, Jones, and Pomeroy.

#### ON THE JUDICIARY.

Messrs. Chapman of Laporte, Barbour, Berry of Monroe, Davis, Ellis, Henry, Holloway, Logan, Orth, Pomeroy, and Todd.

#### ON FEDERAL RELATIONS.

Messrs. Barbour, Buell, Davis, Hamer, Hardin, Henry, Howell, Read, and Reyburn.

#### ON EDUCATION.

Messrs. Todd, Allison, Conner, Davis, Goodenow, Handy, Hardin, Henry, Miller, Murphy, Montgomery, Orth, Parks, and Zenor.

#### ON MILITARY AFFAIRS.

Messrs. Leviston, Chapman of Daviess, Bradbury, Chenowith, Major, Moore, Morgan of Decatur, Morgan of Rush, and Winchell.

#### ON ROADS.

Messrs. Goodenow, Berry of Monroe, Bradbury, Chenowith, Cuppy, English, Hamer, Hamrick, Herriman, Howell, and Wood.

#### ON THE AFFAIRS OF THE TOWN OF INDIANAPOLIS.

Messrs. Hardin, Jackson, Major, Moore, Morgan of Rush, Verbrake, and Winchell.

#### ON CANALS AND INTERNAL IMPROVEMENTS.

Messrs. Lane, Edmondson, Read, Goodenow, Buell, Henry, Leviston, Holloway, Hardin, Conner, Allison, Chapman of Daviess, Jones, Montgomery, Reyburn, Chapman of Laporte, Rockhill, Herriman, Coffin, and Chenowith.

#### ON CLAIMS.

Messrs. Logan, Berry of Franklin, Bowers, Edmonson, Lane, Morgan of Decatur, Pomeroy, and Zenor.

#### ON THE STATE PRISON.

Messrs. Read, Handy, Logan, Murphey, Todd, Wood, and Zenor.

#### ON UNFINISHED BUSINESS.

Messrs. Morgan of Decatur, Bradbury, Chenowith, Hamer, and Miller.

#### ON THE STATE LIBRARY.

Messrs. Berry of Monroe, Bowers, Ellis, English, and Parks.

#### ON PUBLIC BUILDINGS.

Messrs. Miller, Cuppy, Hamrick, Howell, Major, Morgan of Decatur, and Reyburn.

#### ON THE STATE BANK.

Messrs. Buell, Akin, Berry of Franklin, Chapman of Laporte, Davis, Ellis, English, Goodenow, Hamer, Hardin, Holloway, Jones, Lane, Logan, Orth, Parks, Pomeroy, Rockhill, and Todd.



## ON AGRICULTURE.

Messrs. Parks, Bowers, Bradbury, Chapman of Daviess, Coffin, Cuppy, Edmondson, English, Hamrick, Herriman, Jackson, Major, Miller, Montgomery, Moore, Morgan of Rush, Verbribe, Wood, and Zenor.

## ON CORPORATIONS.

Messrs. Edmondson, Akin, Barbour, Berry of Franklin, Handy, Miller, Murphey, Verbribe, and Zenor.

## ON ENROLLED BILLS.

Messrs. Chapman of Daviess, and Orth.

## ON ENGROSSED BILLS.

Messrs. Wood and Conner.

## JOINT COMMITTEES.

## ON PUBLIC BUILDINGS.

Messrs. Allison, Coffin, English, Howell, Leviston, Major, and Montgomery.

## ON THE CANAL FUND.

Messrs. Henry, Jones, and Winchell.

## ON THE STATE LIBRARY.

Messrs. Ellis, Buell, and Edmonson.

On motion by Mr. Read, it was  
*Ordered*, That one hundred copies of said committees be printed for the use of the Senate.

Mr. Buell offered the following resolution:

*Resolved*, That the committee on the State Prison enquire into the expediency of directing the convict labor to the construction of a canal around the falls of the Ohio;

Which was adopted.

Mr. Todd offered the following resolution:

*WHEREAS*, The second section of the act approved January 25, 1836, relating to the State Bank, reserves to the Legislature the right of repealing or of amending the said section, at the session of 1839 or of 1845: Therefore,

*Resolved*, That the committee on the State Bank be directed to enquire into the subject embraced by the said section, and if in their opinion legislation on the subject be necessary, that they report by bill;

Which was adopted.

On motion by Mr. Hardin,  
 The Senate adjourned until two o'clock, P. M.

2 o'clock, P. M.

The Senate assembled.

Mr. Allison offered the following resolution:

*Resolved*, That Jeremiah Stopes be allowed the sum of twelve dollars for six days' services as assistant doorkeeper, in preparing the Senate Chamber and keeping fires, previous to the commencement of the present session.

Which was laid upon the table.

Mr. Herriman introduced,

No. 1. A bill for the improvement of roads in certain counties;

Which was read the first time, and ordered to pass to a second reading on to-morrow.

Mr. Edmonson offered the following resolution:

*Resolved*, That the committee on the judiciary be instructed to enquire into the expediency of so changing the probate system as to substitute circuit instead of county judges, and report by bill or otherwise.

Which was adopted.

Mr. Henry offered the following resolution:

*Resolved*, That the State Librarian furnish the Senate with one hundred printed copies of the act of Congress, donating to the State of Indiana one half of all the unsold lands in the Vincennes district for canal purposes.

Which was adopted.



Mr. Akin introduced,

No. 2. A bill to reduce the salary of the auditor of Sullivan county;

Which was read the first time and ordered to a second reading on to-morrow.

Mr. Jackson offered the following resolution:

*Resolved*, That so much of the Governor's message as recommends exclusive jurisdiction to be given to justices of the peace in certain petit misdemeanors, and concurrent jurisdiction in some minor offences of a higher grade, be referred to the judiciary committee.

Which was laid upon the table.

Mr. Hamrick offered the following resolution:

*Resolved*, That the committee on the judiciary be requested to enquire whether there is any law now in force authorizing the re-valuation of real estate, and if not, to report one to that effect.

Which was adopted.

Mr. Hardin offered the following resolution:

*Resolved*, That the annual message of his Excellency, the Governor, communicated to the General Assembly at its present session, be committed to a committee of the whole Senate, and made the order of the day for to-morrow, at two o'clock, P. M.

Mr. Morgan of Decatur moved to amend, by inserting "immediately," instead of "to-morrow, at two o'clock;"

Which amendment was adopted.

The resolution, so amended, was then adopted.

The Senate then resolved itself into a committee of the whole, on the annual message of his Excellency, the Governor, Mr. Read in the chair;

And after some time spent in the consideration thereof, the committee rose, the President resumed the Chair, and the Chairman reported that the committee had, according to order, had the said message under consideration, and had adopted the following resolutions, in which he was directed to ask the concurrence of the Senate:

1. *Resolved*, That so much of the Governor's message as refers to the transfer of minor offences from the circuit court to justices of the peace, be referred to the committee on the judiciary.

2. *Resolved*, That so much of the Governor's message as refers to the donation of lands in the Vincennes land district, be referred to the committee on canals and internal improvements.

3. *Resolved*, That so much of the Governor's message as recommends exclusive jurisdiction to be given to justices of the peace in certain petit misdemeanors, and concurrent jurisdiction in minor offences of a higher grade, be referred to the judiciary committee.

4. *Resolved*, That so much of the Governor's message as refers to the indebtedness of the State, be referred to the committee on finance.

5. *Resolved*, That so much of the Governor's message as refers

to the fixing the number of Senators and Representatives, and apportioning the same among the several counties of the State be referred to a select committee, to consist of one from each judicial circuit in the State, and one for the State at large.

6. *Resolved*, That so much of the Governor's message as relates to the moral and religious improvement of the convicts confined in the Indiana State prison, be referred to the committee on education.

7. *Resolved*, That so much of the Governor's message as relates to the policy of confinement in county jails, as a punishment, be referred to the committee on the judiciary.

8. *Resolved*, That so much of the Governor's message as relates to the reduction of taxes in the several counties of the State, be referred to the judiciary committee.

9. *Resolved*, That so much of the Governor's message as relates to local legislation, be referred to the committee on the judiciary.

10. *Resolved*, That so much of the Governor's message as refers to the State Prison, be referred to the committee on the State Prison.

11. *Resolved*, That so much of the Governor's message as relates to the suggestion made by the Quartermaster and Adjutant Generals' reports, be referred to the committee on military affairs.

12. *Resolved*, That so much of the Governor's message as relates to the Wabash and Erie canal, be referred to the committee on canals and internal improvements.

13. *Resolved*, That so much of the Governor's message as relates to the reduction of twenty-two thousand dollars in the State expenses for the last fiscal year, be referred to the committee on finance, and that said committee report the particulars of said reduction.

14. *Resolved*, That so much of the Governor's message as recommends the passage of a law entitling a convict in the State Prison to receive a pardon within a limited time before the expiration of his sentence, expressly on the ground of good conduct, be referred to the judiciary committee.

15. *Resolved*, That so much of the Governor's message as relates to the crisis in our State affairs, be referred to the committee on federal relations.

16. *Resolved*, That so much of the Governor's message as recommends the establishment of a house of correction for the safe keeping and punishment of females and juvenile offenders, and persons guilty of petit offences, be referred to the judiciary committee.

17. *Resolved*, That so much of the Governor's message as refers to corporations, be referred to the committee on corporations.

18. *Resolved*, That so much of the Governor's message as relates to the costs in the circuit court, be referred to the judiciary committee.

The Senate then concurred in the foregoing resolutions adopted in committee of the whole.

On motion by Mr. Reyburn,

The Senate adjourned until to-morrow morning at 9 o'clock.



THURSDAY MORNING, DEC. 4, 1845.

The Senate assembled.

The journal of the preceding day having been read,

Mr. Pomeroy presented the petition of sundry citizens of Marshal county upon the subject of the abolition of slavery in Indiana.

On motion by Mr. Buell,

The said petition was laid upon the table.

Mr. Reyburn presented the petition of Cleon Keyes, Jacob Guffee and others, in relation to the incorporation of a company for the extension of the Madison and Indianapolis railroad, north, to the Wabash and Erie canal.

On motion by Mr. Reyburn,

Said petition was referred to a select committee composed of Messrs. Reyburn, Todd, and Conner.

Mr. Rockhill presented the petition of Francis La Fontaine and others for relief; which,

On motion by Mr. Rockhill,

Was referred to a select committee of Messrs. Rockhill, Cuppy, and Howell.

Mr. Ellis presented the proceedings of the Wabash convention, held at Vincennes on the 24th day of September, 1845; which,

On motion by Mr. Ellis,

Was referred to the committee on canals and internal improvements.

Mr. Holloway presented the petition of the Independent Order of Odd Fellows; which,

On motion by Mr. Holloway,

Was referred to a select committee of Messrs. Holloway, Bradbury, and Winchell.

Mr. Davis presented the petition of the trustees of Congressional township number three, range six east, in Floyd county; which,

On motion by Mr. Davis,

Was referred to a select committee of Messrs. Davis, Goodenow, and Moore.

Mr. Davis also presented the petition of Ann B. Evans for a divorce; which,

On motion by Mr. Davis,

Was referred to the committee on the judiciary.

Mr. Jones presented the petition of Horace B. Smith, praying relief; which,

On motion by Mr. Jones,

Was referred to the committee on claims.

Mr. Coffin offered the following resolution:

*Resolved*, That the committee on the judiciary be instructed to enquire into the expediency of re-enacting the *ne exeat* laws heretofore in force, with such amendments as may be deemed necessary.

Which was adopted.

Mr. Hardin offered the following resolution:

*Resolved*, That the committee on the judiciary be directed to report to this House, at as early a day as practicable, a bill increasing the pay of grand and petit jurors to one dollar a day.

Which was adopted.

Mr. Pomeroy offered the following resolution:

*Resolved*, That the committee on the judiciary be instructed to enquire into the expediency of reporting a bill establishing and regulating the fees of county and township officers in the several counties in this State.

Which was adopted.

Mr. Holloway offered the following resolution:

*Resolved*, That the committee on education enquire into the expediency of abolishing the office of school fund commissioner in the several counties of this State, and of transferring the duties of said officers to the treasurer of the respective counties, with leave to report by bill or otherwise.

Which was adopted.

Mr. Verbrike offered the following resolution:

*Resolved*, That the judiciary committee be instructed to enquire into the expediency of so changing the law regulating probate courts in the several counties in this State, as to form regular probate circuits, and elect well qualified judges of law to preside over the same, with salaries equal to the importance of the office they fill—taking into consideration at the same time, that the wealth of the whole State must pass under the review of said judges every twenty-five or thirty years, and upon their decision hang the hopes of the widow, the orphan, and the parties concerned—and further considering the salaries now paid to said judges are insufficient to induce competent judges of law to take the bench, or to induce others to qualify themselves to discharge the duties of said courts, with leave to report by bill or otherwise.

Which resolution was adopted.

#### ORDERS OF THE DAY.

Bill No. 1. A bill (of the Senate) for the improvement of roads in certain counties;

Was read a second time.

Mr. Chapman of Laporte moved to refer said bill to the committee on roads with instructions, to enquire into the expediency of making the provisions thereof general.

Which motion did not prevail.

And said bill was ordered to be engrossed for a third reading on to-morrow.



Bill No. 2. A bill (of the Senate) to reduce the salary of the auditor of Sullivan county;

Read a second time and ordered to be engrossed for a third reading on to-morrow.

The President laid before the Senate the annual report of the branches of the State bank at Evansville, Terre Haute, Lafayette, Madison, Bedford, New Albany, Michigan City, Vincennes, Richmond, and South Bend.

Mr. Ellis moved that they be referred to the committee on the State bank;

Which motion prevailed.

Mr. Rockhill introduced,

No. 3. A bill to authorize the holding of special terms of the circuit court in the twelfth judicial circuit;

Which was read a first time and ordered to pass to a second reading on to-morrow.

Mr. Rockhill also introduced,

No. 4. A bill authorizing the personal property of the estate of Lyman G. Bellamy, late of Allen county, deceased, to be sold at private sale;

Read first time and ordered to a second reading on to-morrow.

The following message from the House of Representatives, was received by Mr. Kinder, their clerk:

MR. PRESIDENT:

I am instructed to inform the Senate that the House have adopted the following resolution:

*Resolved*, That the Senate be invited to attend in the Hall of the House of Representatives, *instanter*, to proceed to the election of president judges in the fourth, tenth, and eleventh judicial circuits.

The Senate then repaired to the Hall of the House of Representatives to proceed to the election of president judges in the fourth, tenth, and eleventh judicial circuits.

The convention then proceeded to ballot for president judge in the fourth judicial circuit, Messrs. Berry of Franklin and Goodenow acting as tellers on the part of the Senate, and Messrs. Stapp and Taber on the part of the House of Representatives; when,

On counting the first ballot, it appeared that

James Lockhart received	85 votes.
John Pitcher received	63 votes.

Mr. Lockhart having received a majority of all the votes given, was declared by the President of the convention, duly elected President Judge of the fourth judicial circuit, for the term of seven years from and after the expiration of the term of the present incumbent.

The convention then proceeded to ballot for judge in the tenth judicial circuit; when,

On counting the first ballot, it appeared that

David MacDonald received	125 votes.
Scattering	23 votes.

David MacDonald having received a majority of all the votes given, was declared duly elected President Judge of the tenth judicial circuit of Indiana, for the term of seven years from and after the expiration of his present term of office.

The convention then proceeded to ballot for judge in the eleventh judicial circuit;

And it appeared upon the first ballot that

Jeremiah Smith received	75 votes.
David Kilgore received	71 votes.
Scattering	1 vote.

Jeremiah Smith having received a majority of all the votes given, was declared by the President of the convention, duly elected President Judge of the eleventh judicial circuit of Indiana, for the term of seven years from and after the expiration of the term of service of the present incumbent.

The President of the convention then pronounced the same adjourned, *sine die*.

The Senate then returned to their Chamber, and,

On motion by Mr. Reyburn,

The Senate adjourned until two o'clock, P. M.

2 o'clock, P. M.

The Senate met.

The President laid before the Senate the communication of Joseph R. Pratt.

Mr. Herriman moved to refer it to the committee on claims; Which motion failed.

Mr. Read moved to refer it to a select committee;

Which motion prevailed; and

Messrs. Morgan of Decatur, Logan and Buell were appointed said committee.

Mr. Rockhill introduced the petition of sundry citizens of Allen county, praying an act to be passed authorizing a conveyance of land in a certain case therein named.



On motion by Mr. Rockhill,

Said petition was referred to a select committee of Messrs. Rockhill, Cuppy, and Herriman.

Mr. Chapman of Laporte offered the following resolution :

*Resolved*, That the State Librarian be respectfully requested to furnish a better quality of ink than that now used, for the use of the Senate.

Which was adopted.

Mr. Allison offered the following resolution :

*Resolved*, That the committee on canals and internal improvements be instructed to report a joint resolution, accepting the donation of lands in the Vincennes land district, by the last Congress of the United States, for the purpose of aiding in the construction of the Wabash and Erie canal from Terre Haute to Evansville.

Mr. Morgan of Decatur moved to amend the resolution by inserting, after the word "instructed," "to enquire into the expediency;"

Which amendment was adopted.

And the resolution, as amended, was then adopted.

Mr. Chapman of Daviess offered the following resolution :

*Resolved*, That the committee on canals and internal improvements be instructed to enquire into the expediency of reporting a bill devising the mode of disposing of the lands donated by the General Government for the completion of the Wabash and Erie canal, having in view the speedy completion of the work, and rigid economy in the disposal of said lands.

Which resolution was adopted.

The President laid before the Senate the following communication from his Excellency, the Governor:

EXECUTIVE DEPARTMENT, }  
December 4, 1845. }

To the Senate :

John B. Powers, Esq., is authorized to bear communications from the Executive Department to the Senate.

JAS. WHITCOMB.

The following message from the House of Representatives was received, by Mr. Williams, their assistant clerk :

MR. PRESIDENT :

I am directed by the House to inform the Senate that the House have adopted the following resolution :

*Resolved*, That the House will, the Senate concurring therein, go into the election of a United States Senator on Saturday next, at 10 o'clock.

Mr. Chapman moved to take up the said message ;

Which motion prevailed.

On motion by Mr. Buell,

The message in regard to going into the election of United States Senator, was reciprocated by the Senate.

Mr. Buell offered the following resolution :

WHEREAS, Reuben Fletcher, an alien residing in Ripley county, Indiana, did, on the 30th day of July, 1842, convey to Joseph Emile Lange the south west quarter of the north east quarter, and the north west quarter of the south east quarter of section eight, in township nine, north of range eleven east, in the district of lands subject to sale at Jeffersonville, Indiana, containing together eighty acres ; be it

*Resolved*, That the judiciary committee enquire into the expediency of legalizing said conveyance, and that they be authorized to report by bill for that purpose.

Mr. Chapman of Laporte moved to amend, by inserting after the word "conveyance," the words, "and all others of a like character."

Which amendment was accepted by the mover.

And the resolution, as amended, was then adopted.

Mr. Morgan of Decatur offered the following resolution :

*Resolved*, That the committee on federal relations be requested to enquire into the expediency of memorializing Congress on the subject of a grant of land to be divided amongst the officers and soldiers of the late war.

Which was adopted.

Mr. Logan offered the following resolution :

*Resolved*, That the committee on the judiciary be instructed to enquire into the expediency of so amending the estray law, that when the owner of any property taken up shall appear before the justice before whom such estray was posted, and prove the same to be his or her property, within eight days from the time of posting the same, and before the justice has made his return to the clerk of the circuit court of the proper county, that such taker up or owner shall not be bound to pay over to the justice the sum of one dollar for the use of the State printer, to report by bill or otherwise.

Which resolution was adopted.

Mr. Holloway offered the following resolution :

*Resolved*, That the committee on federal relations enquire into the expediency of memorializing Congress for a grant of lands sufficient to complete the Cumberland road through the State of Indiana.

Mr. Lane moved to amend, by inserting after the word "lands," the words "or money."

Which amendment was adopted.

And the resolution, so amended, was adopted.

Mr. Zeno offered the following resolution :

*Resolved*, That the committee on education be instructed to enquire into the expediency of so amending the law regulating com-



mon schools as to authorize the trustees to subdivide any school district, where it may be necessary for the convenience of the citizens.

Which was adopted.

The following message was received from his Excellency, the Governor, by Mr. Powers, his private secretary:

MR. PRESIDENT:

I am directed by the Governor to inform the Senate that he, on yesterday, approved and signed an act to amend an act entitled, "An act to reduce the tolls on the New Albany and Vincennes road, and for other purposes," approved January 13, 1844, which originated in the Senate, and was passed at the last session of this General Assembly, and not being presented to the Governor until within less than five days before the general adjournment, the same was taken under advisement until the present session.

On motion by Mr. Herriman,

The Senate adjourned till to-morrow morning at nine o'clock.

#### FRIDAY MORNING, DEC. 5, 1845.

The Senate assembled.

The journal of the preceding day having been read,

Mr. Holloway presented two petitions of the Independent Order of Odd Fellows, praying for the incorporation of the Grand Lodge of said Society;

Which was referred to a select committee of Messrs. Holloway, Bradbury, and Winchell.

Mr. Cuppy presented the petition of George Stults and others praying for the location of a State road in the counties of Huntington, Whitley, and Wabash;

Which was referred to the committee on roads.

Mr. Davis, from the committee on the judiciary, submitted the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred the peti-

tion of Ann B. Evans, praying for a divorce, have had the same under consideration, and have directed me to report the following bill and recommend its passage:

No. 5. A bill dissolving the bonds of matrimony between Ann B. Evans and Joseph Evans;

Which was read, and ordered to a second reading on to-morrow.

Mr. Bowers offered the following resolution:

*Resolved*, That the committee on education be directed to enquire what amendment, if any, is necessary to the present law, so as more fully to define what compensation the several county auditors and school commissioners shall receive for their services in managing the several school funds of their respective counties, with leave to report by bill or otherwise.

Which resolution was adopted.

Mr. Murphey offered the following resolution:

*Resolved*, That the committee on the judiciary be instructed to enquire into the expediency of so amending the law regulating common schools, as to authorize the township trustees in the several counties in this State to administer all oaths required by law to be administered to the district trustees in their respective townships, and that they report by bill or otherwise.

Which resolution was adopted.

Mr. Hardin offered the following resolution:

*Resolved*, That the committee on education be instructed to enquire into the expediency of repealing the present school law, and substituting, in its stead, a system less complicated and more practicable; or, if this should be deemed inexpedient, that said committee be instructed to enquire into the expediency of revising the present law so as to remedy its numerous imperfections and incongruities, with leave to report by bill or otherwise.

Which resolution was adopted.

Mr. Logan offered the following resolution:

*Resolved*, That the committee on education be instructed to enquire into the expediency of enacting a law authorizing and directing the Treasurer of State to receive of and from the State bank, that portion of the bank tax fund to be appropriated to the use of schools, and to pass such a law as may be necessary.

Which was adopted.

Mr. Parks offered the following resolution:

*Resolved*, That the committee on roads be instructed to enquire into the expediency of repealing that part of the road law which makes it the duty of the several county boards of this State to assess a road tax, except so far as it relates to non-residents, with leave to report by bill or otherwise.

Which was adopted.

Mr. Morgan of Decatur offered the following resolution:

*Resolved*, That the committee on the State bank be requested



to enquire into the expediency of so changing the law in relation to advertising lands mortgaged to the Sinking Fund, that hereafter such advertisements shall be inserted in some newspaper published in the county where the land lies.

Which resolution was adopted.

Mr. Morgan of Rush offered the following resolution:

*Resolved*, That the committee on finance be instructed to enquire into the expediency of repealing sections 70 and 73 of article 4, chapter 7, of the Revised Statutes of 1843.

Which was adopted.

Mr. Berry of Monroe offered the following resolution:

*Resolved*, That the judiciary committee be instructed to enquire into the expediency of so amending the law relative to the assessment of the taxable property as to provide that such assessment shall be made by suitable persons, to be appointed by the board doing county business of the county where the property may be situated, or that such persons may be elected by the qualified voters of each township, and making it the duty of such assessor to meet the tax payers at the usual places of holding elections in their respective townships, for the purpose of making such assessment, and to report by bill or otherwise.

Which resolution was adopted.

Mr. Read introduced,

No. 6. A bill to amend the 45th chapter of the 5th article of the Revised Statutes of 1843.

The rules being suspended, said bill was read a second time, and,

On motion by Mr. Orth,

Referred to the committee on the judiciary.

Mr. Wood introduced,

No. 7. A bill to attach the county of Tipton to the 11th judicial circuit, and to fix the time of holding the courts in said circuit;

Which was read a first time, and ordered to a second reading on to-morrow.

Mr. Miller introduced,

No. 8. A bill to legalize an election therein named in the county of Crawford;

Which was read a first time and ordered to a second reading on to-morrow.

The following message was received from the House of Representatives, by Mr. Williams, their assistant clerk:

MR. PRESIDENT:

I am directed by the House to inform the Senate that the House have reciprocated the resolution of the Senate adopting the joint rules of the last General Assembly for the government of the two Houses during the present session.

By leave of the Senate,

Mr. Buell, from the select committee, submitted the following report:

MR. PRESIDENT:

The select committee, to whom was referred a resolution to enquire into the expediency of reducing the fees of pilots, direct me to report the following bill:

No. 9. A bill to reduce the fees of pilots, and for other purposes; Which was read a first time, and ordered to a second reading on to-morrow.

Mr. Berry of Franklin introduced,

No. 10. A bill respecting corporations;

Which was read a first time, and ordered to a second reading on to-morrow.

#### ORDERS OF THE DAY.

No. 2. A bill (of the Senate) reducing the salary of the auditor of Sullivan county;

Read a third time and passed.

No. 1. A bill (of the Senate) for the improvement of roads in certain counties;

Read a third time and passed.

No. 3. A bill (of the Senate) to authorize the holding of special terms of the circuit court in the twelfth judicial circuit;

Which, the rules being suspended, was read a third time and passed.

No. 4. A bill (of the Senate) authorizing the personal property of the estate of Lyman G. Bellamy, late of Allen county, deceased, to be sold at private sale;

Which was read the second and third times, the rules being suspended, and passed.

Mr. Hamrick offered the following resolution:

*Resolved*, That a select committee be appointed to enquire into the expediency of calling a convention so to amend the State Constitution as to allow the State Legislature to meet but once in two years.

Which was adopted.

Mr. Davis moved to take from the files,

No. 5. A bill (of the Senate) dissolving the bonds of matrimony between Ann B. Evans and Joseph Evans;

Which motion prevailed;

And the bill was read a second time.

Mr. Morgan of Decatur moved to indefinitely postpone said bill.

The ayes and noes being called for by Messrs. Morgan of Decatur and Buell,



*Those who voted in the affirmative are,*

Messrs. Allison, Bowers, Bradbury, Buell, Conner, Ellis, Hamer, Miller, Morgan of Decatur, Morgan of Rush, Murphy, Reyburn, Todd, and Verbrake—14.

*Those who voted in the negative are,*

Messrs. Akin, Berry of Franklin, Berry of Monroe, Chapman of Daviess, Chapman of Laporte, Chenowith, Coffin, Cuppy, Davis, Edmonson, English, Goodenow, Hamrick, Handy, Hardin, Herriman, Holloway, Howell, Jackson, Jones, Lane, Leviston, Logan, Major, Montgomery, Moore, Parks, Pomeroy, Read, Rockhill, Winchell, Wood, and Zenor—33.

So said bill was not indefinitely postponed.

Said bill was then read a third time and passed.

Mr. Ellis introduced,

No. 1. A joint resolution on the subject of the improvement of western rivers;

Which was read a second time, the rules being suspended, and referred to the committee on federal relations.

Mr. Todd offered the following resolution:

*Resolved*, That the committee on the judiciary be directed to take under consideration the present laws upon the subject of granting divorces, and that, if any amendment or change of the laws on that subject be necessary, they report by bill.

Which was adopted.

Mr. Rockhill, from a select committee, submitted the following report:

MR. PRESIDENT:

The select committee, to whom was referred the petition of Francis Lafontaine, Catharine Richardville, La Blond Richardville, and Susan Richardville, have had the same under consideration, and have instructed me to report the two accompanying bills and recommend their passage:

No. 11. A bill for the relief of Francis Lafontaine.

No. 12. A bill to permit Francis Lafontaine, Catharine Richardville, La Blond Richardville, and Susan Richardville to sell and convey real estate.

Which bills were read a first time and ordered to a second reading on to-morrow.

Mr. Allison introduced,

No. 2. A joint resolution legalizing the acts of Henry Stricklin, a justice of the peace in Greene county;

Which was read a first time, and ordered to a second reading on to-morrow.

Mr. Buell introduced;

No. 13. A bill in relation to the Lawrenceburgh and Napoleon turnpike company;

Read a first time, and ordered to a second reading on to-morrow.

On motion by Mr. Akin,

The Senate adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

The Senate assembled.

The President laid before the Senate the following communication from the State Librarian:

HON. J. D. BRIGHT,

*President of the Senate:*

SIR—In obedience to a resolution of the Senate, I furnish, herewith, "one hundred printed copies of the act of Congress donating to the State of Indiana one half of all the unsold lands in the Vincennes district for canal purposes."

Very respectfully,

Your ob't serv't,

JOHN B. DILLON,

*State Librarian.*

December 5, 1845.

Mr. Barbour, chairman of the committee on federal relations, submitted the following report:

MR. PRESIDENT:

The committee on federal relations, to whom was referred the joint resolution entitled, "A joint resolution upon the subject of improving the western rivers," having had the same under consideration, have instructed me to report the same back to the Senate and recommend its passage.

Which joint resolution was read a third time, the rules being suspended, and passed.



Mr. Ellis introduced,

No. 3. A joint resolution in relation to overflowed public lands;  
Which was read a second time, the rules being suspended, and,

On motion by Mr. Lane,  
Referred to the committee on agriculture.

Mr. Allison moved to suspend the rules and take from the files,

No. 2. A joint resolution legalizing the acts of Henry Stricklin,  
a justice of the peace in Greene county;

Which motion prevailed.

Said joint resolution was then read a third time, the rules being  
suspended, and passed.

On motion by Mr. Chapman of Laporte,

The Senate adjourned until to-morrow morning, at 9 o'clock.

#### SATURDAY MORNING, DEC. 6, 1845.

The Senate assembled.

The journal of the preceding day having been read,

The President laid before the Senate the appointment of the following select committee upon the resolution of Mr. Hamrick, adopted yesterday, in relation to calling a convention to change the Constitution, to-wit:

Messrs. Hamrick, Barbour, and Read.

Mr. Logan, chairman of the committee on claims, made the following report:

#### MR. PRESIDENT:

The committee on claims, to whom was referred the memorial of Horace B. Smith, of Fountain county, praying the passage of an act by the General Assembly authorizing the board of commissioners of the Sinking Fund to make him compensation for certain losses, have, according to order, had the same under their consideration, and have directed me to report the same back to the Senate, and recommend its reference to the committee on the State bank, and ask to be discharged from the further consideration thereof.

Which report was concurred in.

Mr. Wood offered the following resolution:

*Resolved*, That the judiciary committee be instructed to enquire into the expediency of abolishing capital punishment, with leave to report by bill or otherwise.

Which was adopted.

Mr. Todd offered the following resolution:

There being no law requiring an annual report from the trustees of the deaf and dumb asylum, therefore,

*Resolved*, That the trustees of the aforesaid deaf and dumb asylum be, and they are hereby requested, to report to the General Assembly at as early a day as convenient, the condition of said asylum, together with such suggestions as they may think conducive to the good of the same.

Which was adopted.

Mr. Hamer offered the following resolution:

*Resolved*, That the committee appointed to district the State be instructed to prepare and report a bill to consist of thirty-three Senators and sixty-six Representatives.

Mr. Buell moved to amend, by adding after the word "instructed," the words, "to enquire into the expediency;"

Which amendment was adopted.

And the resolution, as amended, was then adopted.

Mr. Murphey offered the following resolution:

*Resolved*, That the committee on the judiciary be requested to enquire whether any, and if any, what amendments are necessary to the laws now in force in this State, regulating the duties of executors, administrators, and guardians; and that they report by bill or otherwise.

Which resolution was adopted.

At the suggestion of the President,

Mr. Winchell was added to the committee on the judiciary.

#### ORDERS OF THE DAY.

No. 12. A bill (of the Senate) to permit Francis Lafontaine, Catherine Richardville, La Blond Richardville, and Susan Richardville to sell and convey real estate;

Read a second time, and,

On motion by Mr. Buell,

Referred to the committee on the judiciary.

No. 11. A bill (of the Senate) for the relief of Francis Lafontaine;

Read a second time, and

Referred to the committee on the judiciary.

No. 9. A bill (of the Senate) to reduce the fees of pilots and for other purposes;

Read a second time, and,

On motion by Mr. Read,

Laid on the table.



No. 13. A bill (of the Senate) in relation to the Lawrenceburgh and Napoleon Turnpike Company;

Read a third time (the rules being suspended) and passed.

No. 7. A bill (of the Senate) to attach the county of Tipton to the eleventh judicial circuit, and to fix the time of holding the courts in said circuit;

Read a second time, and ordered to a third reading on Monday next.

No. 10. A bill (of the Senate) respecting corporations;

Read a second time, and

On motion by Mr. Berry of Franklin,  
Referred to the committee on the judiciary.

No. 8. A bill (of the Senate) to legalize an election in Crawford county;

Read a third time (the rules being suspended) and passed.

The following message was received from the House of Representatives by Mr. Kinder, their Clerk:

MR. PRESIDENT:

I am directed to inform the Senate that the House have adopted the following resolution:

*Resolved*, That the Senate be invited to attend in the Hall of the House of Representatives, instantler, to proceed to the election of a United States Senator; and that seats be provided on the right of the Speaker's chair; and that the Clerk inform the Senate thereof.

The Senate then repaired to the Hall of the House of Representatives; and the Convention,

Mr. Read, of the Senate, acting as President thereof,

Proceeded to the election of a Senator in Congress;

Messrs. Davis and Chapman of Laporte acting as tellers on the the part of the Senate, and Messrs. Fuller and Cox on the part of the House.

When, on counting the first ballot, it appeared that

Jesse D. Bright received	- - - - -	80 votes.
Joseph G. Marshall received	- - - - -	66 votes.
Blank, - - - - -	- - - - -	2 votes.

Jesse D. Bright having received a majority of all the votes given, was declared, by the President of the Convention, duly elected United States Senator for the term of six years from and after the fourth day of March, 1845.

The President then pronounced the Convention adjourned *sine die*.

The Senate returned to their Chamber.

Mr. Todd offered the following resolution:

*Resolved*, That when the Senate adjourn, it will adjourn to meet on Monday morning at nine o'clock.

Which resolution was adopted; and,

On motion by Mr. Chapman of Laporte,  
The Senate adjourned.

MONDAY MORNING, DEC. 8, 1845.

The Senate assembled.

The Journal of the preceding day was read.

The President laid before the Senate the reports of the Fort Wayne and Lawrenceburgh Branches of the State Bank; which,

On motion by Mr. Logan,

Were referred to the committee on the State Bank.

The President laid before the Senate the appointment of the following select committee on the resolution of Mr. Handy, providing for dividing the State into Senatorial and Representative districts, to-wit:

Messrs. Handy, Jones, Zenor, Berry of Franklin, Edmonson, Morgan of Decatur, Akin, Reyburn, Cuppy, Allison, Winchell, Herriman, and Henry, for the State at large.

Mr. Chapman of Laporte moved a call of the Senate;

Which was agreed to, and

The absentees were sent for.

Messrs. Hardin, Rockhill, and Buell appearing in their seats a further call was suspended.

The President then arose and delivered his valedictory address, and submitted his resignation as President of the Senate, and retired from the chair.

On motion by Mr. Herriman,

The Senate then proceeded to the election of a President *pro tem*. of the Senate, in place of the Hon. Jesse D. Bright, resigned;

Messrs. Morgan of Decatur and Berry of Monroe acting as tellers.

And, on counting the first ballot, it appeared that

Godlove S. Orth received	- - - - -	24 votes.
James G. Read received	- - - - -	23 votes.
Blank, - - - - -	- - - - -	1 vote.



No gentleman having received a majority of all the votes given, the Senate proceeded to a second balloting;

And, on counting the same, it appeared that

Mr. Orth received	-	-	-	-	-	-	24 votes.
Mr. Read received	-	-	-	-	-	-	24 votes.

Neither of the gentlemen having received a majority of all the votes given, the Senate proceeded to a third balloting;

And, on counting the same, it appeared that

Mr. Orth received	-	-	-	-	-	-	24 votes.
Mr. Read received	-	-	-	-	-	-	23 votes.
Blank,	-	-	-	-	-	-	1 vote.

No gentleman having received a majority of all the votes given, the Senate proceeded to a fourth balloting;

And, on counting the same, it appeared that

Mr. Orth received	-	-	-	-	-	-	24 votes.
Mr. Read received	-	-	-	-	-	-	23 votes.
Blank,	-	-	-	-	-	-	1 vote.

No gentleman having received a majority of all the votes given, the Senate proceeded to a fifth balloting;

And, on counting the same, it appeared that

Mr. Orth received	-	-	-	-	-	-	24 votes.
Mr. Read received	-	-	-	-	-	-	22 votes.
Blank,	-	-	-	-	-	-	2 votes.

No gentleman having received a majority of all the votes given, the Senate proceeded to a sixth balloting;

And, on counting the same, it appeared that

Mr. Orth received	-	-	-	-	-	-	24 votes.
Mr. Read received	-	-	-	-	-	-	21 votes.
Scattering,	-	-	-	-	-	-	3 votes.

No gentleman having received a majority of all the votes given, the Senate proceeded to a seventh balloting;

And, on counting the same, it appeared that

Mr. Orth received	-	-	-	-	-	-	24 votes.
Mr. Read received	-	-	-	-	-	-	21 votes.
Scattering,	-	-	-	-	-	-	3 votes.

No gentleman having received a majority of all the votes given, the Senate proceeded to an eighth balloting;

And, on counting the same, it appeared that

Mr. Orth received	-	-	-	-	-	-	24 votes.
Mr. Read received	-	-	-	-	-	-	21 votes.
Scattering,	-	-	-	-	-	-	3 votes.

No gentleman having received a majority of all the votes given, the Senate proceeded to a ninth balloting;

And, on counting the same, it appeared that

Mr. Orth received	-	-	-	-	-	-	24 votes.
Mr. Read received	-	-	-	-	-	-	22 votes.
Scattering,	-	-	-	-	-	-	2 votes.

Mr. Handy moved to adjourn;

Which motion did not prevail.

No gentleman having received a majority of all the votes given on the eighth balloting, the Senate proceeded to a ninth balloting;

And, on counting the same, it appeared that

Mr. Orth received	-	-	-	-	-	-	24 votes.
Mr. Read received	-	-	-	-	-	-	22 votes.
Scattering,	-	-	-	-	-	-	2 votes.

No gentleman having received a majority of all the votes given, the Senate proceeded to a tenth balloting;

And, on counting the same, it appeared that

Mr. Orth received	-	-	-	-	-	-	24 votes.
Mr. Read received	-	-	-	-	-	-	23 votes.
Blank,	-	-	-	-	-	-	1 vote.

On motion by Mr. Lane,

The Senate adjourned until two o'clock, P. M.

2 o'clock, P. M.

The Senate met.

On motion,

The Senate proceeded to an eleventh balloting for President *pro tem.* of the Senate;

And, on counting the same, it appeared that

Mr. Orth received	-	-	-	-	-	-	24 votes.
Mr. Read received	-	-	-	-	-	-	24 votes.



Neither of the gentlemen having received a majority of all the votes given, the Senate proceeded to a twelfth balloting;

And, on counting the same, it appeared that

Mr. Orth received	-	-	-	-	-	24 votes.
Mr. Read received	-	-	-	-	-	24 votes.

Neither of the gentlemen having received a majority of all the votes given, the Senate proceeded to a thirteenth balloting; And, on counting the same, it appeared that

Mr. Orth received	-	-	-	-	-	24 votes.
Mr. Read received	-	-	-	-	-	23 votes.
Blank,	-	-	-	-	-	1 vote.

No gentleman having received a majority of all the votes given, the Senate proceeded to a fourteenth balloting; And, on counting the same, it appeared that

Mr. Orth received	-	-	-	-	-	24 votes.
Mr. Read received	-	-	-	-	-	23 votes.
Blank,	-	-	-	-	-	1 vote.

No gentleman having received a majority of all the votes given, the Senate proceeded to a fifteenth balloting; And, on counting the same, it appeared that

Mr. Orth received	-	-	-	-	-	24 votes.
Mr. Read received	-	-	-	-	-	23 votes.
Blank,	-	-	-	-	-	1 vote.

Mr. Davis withdrew the name of Mr. Orth, and announced the name of Mr. Reyburn.

No gentleman having received a majority of all the votes given on the fifteenth ballot, the Senate proceeded to a sixteenth balloting;

And, on counting the same, it appeared that

Mr. Reyburn received	-	-	-	-	-	24 votes.
Mr. Read received	-	-	-	-	-	23 votes.
Blank,	-	-	-	-	-	1 vote.

No gentleman having received a majority of all the votes given,  
the Senate proceeded to a seventeenth balloting;  
And, on counting the same, it appeared that

Mr. Reyburn received	24 votes.
Mr. Read received	22 votes.
Scattering,	2 votes.

No gentleman having received a majority of all the votes given, the Senate proceeded to an eighteenth balloting; And, on counting the same, it appeared that

Mr. Reyburn received	-	-	-	-	-	24 votes.
Mr. Read received	-	-	-	-	-	23 votes.
Blank,	-	-	-	-	-	1 vote.

No gentleman having received a majority of all the votes given, the Senate proceeded to a nineteenth balloting; And, on counting the same, it appeared that

Mr. Reyburn received	24 votes.
Mr. Read received	22 votes.
Scattering,	2 votes.

No gentleman having received a majority of all the votes given, the Senate proceeded to a twentieth balloting;  
And, on counting the same, it appeared that

Mr. Reyburn received	-	-	-	-	-	24 votes.
Mr. Read received	-	-	-	-	-	22 votes.
Scattering,	-	-	-	-	-	2 votes.

No gentleman having received a majority of all the votes given,

On motion by Mr. Lane,  
The Senate adjourned until to-morrow morning at nine o'clock.

TUESDAY MORNING, DEC. 9, 1845.

The Senate assembled.

The Journal of the preceding day was read.

Mr. Chapman of Laporte moved a call of the Senate;  
Which was ordered, and  
The absentees were sent for.



Messrs. Major, Chapman of Daviess, Handy, and Chenowith appearing in their seats,  
The further call was suspended.

On motion by Mr. Herriman,  
The Senate then proceeded to a twenty-first balloting for President *pro tem.* of the Senate, Messrs. Zenor and Wood acting as tellers;  
And, on counting the same, it appeared that

Mr. Ellis received	-	-	-	-	-	-	-	-	24 votes.
Mr. Buell received	-	-	-	-	-	-	-	-	21 votes.
Scattering,	-	-	-	-	-	-	-	-	3 votes.

No gentleman having received a majority of all the votes given,  
the Senate proceeded to a twenty-second balloting;  
And, on counting the same, it appeared that

Mr. Ellis received	-	-	-	-	-	-	-	-	24 votes.
Mr. Buell received	-	-	-	-	-	-	-	-	21 votes.
Scattering,	-	-	-	-	-	-	-	-	3 votes.

No gentleman having received a majority of all the votes given,  
the Senate proceeded to a twenty-third balloting;  
And, on counting the same, it appeared that

Mr. Ellis received	-	-	-	-	-	-	-	-	24 votes.
Mr. Edmonson received	-	-	-	-	-	-	-	-	23 votes.
Blank,	-	-	-	-	-	-	-	-	1 vote.

No gentleman having received a majority of all the votes given,  
the Senate proceeded to a twenty-fourth balloting;  
And, on counting the same, it appeared that

Mr. Ellis received	-	-	-	-	-	-	-	-	24 votes.
Mr. Edmonson received	-	-	-	-	-	-	-	-	23 votes.
Blank,	-	-	-	-	-	-	-	-	1 vote.

No gentleman having received a majority of all the votes given,  
the Senate proceeded to a twenty-fifth balloting;  
And, on counting the same, it appeared that

Mr. Ellis received	-	-	-	-	-	-	-	-	24 votes.
Mr. Edmonson received	-	-	-	-	-	-	-	-	23 votes.
Blank,	-	-	-	-	-	-	-	-	1 vote.

No gentleman having received a majority of all the votes given,  
the Senate proceeded to a twenty-sixth balloting;  
And, on counting the same, it appeared that

Mr. Orth received	-	-	-	-	-	-	-	-	24 votes.
Mr. Edmonson received	-	-	-	-	-	-	-	-	24 votes.

Neither of the gentlemen having received a majority of all the votes given, the Senate proceeded to a twenty-seventh balloting;  
And, on counting the same, it appeared that

Mr. Orth received	-	-	-	-	-	-	-	-	24 votes.
Mr. Edmonson received	-	-	-	-	-	-	-	-	23 votes.
Blank,	-	-	-	-	-	-	-	-	1 vote.

No gentleman having received a majority of all the votes given,  
the Senate proceeded to a twenty-eighth balloting;  
And, on counting the same, it appeared that

Mr. Orth received	-	-	-	-	-	-	-	-	24 votes.
Mr. Akin received	-	-	-	-	-	-	-	-	22 votes.
Scattering,	-	-	-	-	-	-	-	-	2 votes.

No gentleman having received a majority of all the votes given,  
the Senate proceeded to a twenty-ninth balloting;  
And, on counting the same, it appeared that

Mr. Orth received	-	-	-	-	-	-	-	-	24 votes.
Mr. Akin received	-	-	-	-	-	-	-	-	24 votes.

Neither of the gentlemen having received a majority of all the votes given, the Senate proceeded to a thirtieth balloting;  
And, on counting the same, it appeared that

Mr. Orth received	-	-	-	-	-	-	-	-	24 votes.
Mr. Akin received	-	-	-	-	-	-	-	-	23 votes.
Blank,	-	-	-	-	-	-	-	-	1 vote.

Mr. Parks moved to adjourn;  
Which motion did not prevail.

No gentleman having received a majority of all the votes given,  
the Senate proceeded to a thirty-first balloting;  
And, on counting the same, it appeared that

Mr. Reyburn received	-	-	-	-	-	-	-	-	23 votes.
Mr. Akin received	-	-	-	-	-	-	-	-	23 votes.
Scattering,	-	-	-	-	-	-	-	-	2 votes.

Mr. Hardin moved that the Senate adjourn;  
Which motion did not prevail.

No gentleman having received a majority of all the votes given,  
on the thirty-first balloting, the Senate proceeded to a thirty-second balloting;

And, on counting the same, it appeared that



Mr. Reyburn received	-	-	-	-	24 votes.
Mr. Akin received	-	-	-	-	23 votes.
Blank,	-	-	-	-	1 vote.

No gentleman having received a majority of all the votes given, the Senate proceeded to a thirty-third balloting;  
And, on counting the same, it appeared that

Mr. Reyburn received	-	-	-	-	24 votes.
Mr. Lane received	-	-	-	-	23 votes.
Blank,	-	-	-	-	1 vote.

Mr. Chapman of Laporte moved to adjourn;  
Which motion did not prevail.

No gentleman having received a majority of all the votes given, the Senate proceeded to a thirty-fourth balloting;  
And, on counting the same, it appeared that

Mr. Reyburn received	-	-	-	-	24 votes.
Mr. Lane received	-	-	-	-	23 votes.
Blank	-	-	-	-	1 vote.

Mr. Howell moved to adjourn;  
Which motion did not prevail.

No gentleman having received a majority of all the votes given, the Senate proceeded to a thirty-fifth balloting;  
And, on counting the same, it appeared that

Mr. Reyburn received	-	-	-	-	24 votes.
Mr. Lane received	-	-	-	-	24 votes.

Neither of the gentlemen having received a majority of all the votes given,

On motion by Mr. Bowers,

The Senate adjourned until two o'clock, P. M.

2 o'clock, P. M.

The Senate assembled,

And proceeded to a thirty-sixth balloting for President, *pro tem*;  
And, on counting the same, it appeared that

Mr. Holloway received	-	-	-	-	23 votes.
Mr. Lane received	-	-	-	-	23 votes.
Scattering	-	-	-	-	2 votes.

No gentleman having received a majority of all the votes given, the Senate proceeded to a thirty-seventh balloting;  
And, on counting the same, it appeared that

Mr. Holloway received	-	-	-	-	23 votes.
Mr. Lane received	-	-	-	-	22 votes.
Scattering	-	-	-	-	3 votes.

No gentleman having received a majority of all the votes given, the Senate proceeded to a thirty-eighth balloting;  
And, on counting the same, it appeared that

Mr. Holloway received	-	-	-	-	24 votes.
Mr. Chapman [of Laporte] received	-	-	-	-	24 votes.

Neither of the gentlemen having received a majority of all the votes given, the Senate proceeded to a thirty-ninth balloting;  
And, on counting the same, it appeared that

Mr. Holloway received	-	-	-	-	24 votes.
Mr. Chapman [of Laporte] received	-	-	-	-	23 votes.
Blank	-	-	-	-	1 vote.

No gentleman having received a majority of all the votes given, the Senate proceeded to a fortieth balloting;  
And, on counting the same, it appeared that

Mr. Holloway received	-	-	-	-	24 votes.
Mr. Chapman [of Laporte] received	-	-	-	-	24 votes.

No gentleman having received a majority of all the votes given, the Senate proceeded to a forty-first balloting;  
And, on counting the same, it appeared that

Mr. Todd received	-	-	-	-	24 votes.
Mr. Chapman [of Laporte] received	-	-	-	-	23 votes.
Blank	-	-	-	-	1 vote.

No gentleman having received a majority of all the votes given, the Senate proceeded to a forty-second balloting;  
And, on counting the same, it appeared that

Mr. Todd received	-	-	-	-	23 votes.
Mr. Chapman [of Laporte] received	-	-	-	-	24 votes.
Blank	-	-	-	-	1 vote.

No gentleman having received a majority of all the votes given, the Senate proceeded to a forty-third balloting;  
And, on counting the same, it appeared that



Mr. Zenor received	-	-	-	-	23 votes.
Mr. Chapman [of Laporte] received	-	-	-	-	23 votes.
Scattering	-	-	-	-	2 votes.

No gentleman having received a majority of all the votes given, the Senate proceeded to a forty-fourth balloting;

And, on counting the same, it appeared that

Mr. Zenor received	-	-	-	-	24 votes.
Mr. Chapman [of Laporte] received	-	-	-	-	24 votes.

No gentleman having received a majority of all the votes given, the Senate proceeded to a forty-fifth balloting;

And, on counting the same, it appeared that

Mr. Henry received	-	-	-	-	23 votes.
Mr. Chapman [of Laporte] received	-	-	-	-	23 votes.
Scattering	-	-	-	-	2 votes.

No gentleman having received a majority of all the votes given, the Senate proceeded to a forty-sixth balloting;

And, on counting the same, it appeared that

Mr. Henry received	-	-	-	-	24 votes.
Mr. Chapman [of Laporte] received	-	-	-	-	23 votes.
Blank	-	-	-	-	1 vote.

No gentleman having received a majority of all the votes given, the Senate proceeded to a forty-seventh balloting;

And, on counting the same, it appeared that

Mr. Henry received	-	-	-	-	23 votes.
Mr. Chapman [of Laporte] received	-	-	-	-	23 votes.
Scattering,	-	-	-	-	2 votes.

No gentleman having received a majority of all the votes given, the Senate proceeded to a forty-eighth balloting;

And, on counting the same, it appeared that

Mr. Henry received	-	-	-	-	24 votes.
Mr. Logan received	-	-	-	-	24 votes.

No gentleman having received a majority of all the votes given, the Senate proceeded to a forty-ninth balloting;

And, on counting the same, it appeared that

Mr. Morgan of Decatur received	-	-	-	-	24 votes.
Mr. Logan received	-	-	-	-	23 votes.
Blank,	-	-	-	-	1 vote.

No gentleman received a majority of all the votes given.

On motion by Mr. Handy,

The Senate adjourned until to-morrow morning at 9 o'clock.

WEDNESDAY MORNING, DEC. 10, 1845.

The Senate assembled.

The journal of the preceding day was read.

Mr. Edmonson moved a call of the Senate;

Which was ordered,

And absentees sent for.

Mr. Parks appearing in his seat,

The further call was suspended.

On motion by Mr. Buell,

The Senate then proceeded to a fiftieth balloting for President, *pro tem.*, Messrs. Lane and Davis acting as tellers;

And, on counting the same, it appeared that

Mr. Morgan of Decatur received	-	-	-	-	24 votes.
Mr. Logan received	-	-	-	-	24 votes.

Neither gentleman having received a majority of all the votes given, the Senate proceeded to a fifty-first balloting;

And, on counting the same, it appeared that

Mr. Morgan of Decatur received	-	-	-	-	24 votes.
Mr. Logan received	-	-	-	-	24 votes.

No gentleman having received a majority of all the votes given, the Senate proceeded to a fifty-second balloting;

And, on counting the same, it appeared that

Mr. Morgan of Decatur received	-	-	-	-	24 votes.
Mr. Logan received	-	-	-	-	24 votes.

No gentleman having received a majority of all the votes given, the Senate proceeded to a fifty-third balloting;

And, on counting the same, it appeared that



Mr. Morgan of Decatur received - - - - - 24 votes.  
 Mr. Berry of Monroe received - - - - - 23 votes.  
 Blank, - - - - - 1 vote.

No gentleman having received a majority of all the votes given,  
 the Senate proceeded to a fifty-fourth balloting;

And, on counting the same, it appeared that

Mr. Morgan of Decatur received - - - - - 24 votes.  
 Mr. Berry of Monroe received - - - - - 24 votes.

No gentleman having received a majority of all the votes given,  
 the Senate proceeded to a fifty-fifth balloting;

And, on counting the same, it appeared that

Mr. Morgan of Decatur received - - - - - 24 votes.  
 Mr. Berry of Monroe received - - - - - 24 votes.

Neither of the gentlemen having received a majority of all the  
 votes given, the Senate proceeded to a fifty-sixth balloting;

And, on counting the same, it appeared that

Mr. Morgan of Decatur received - - - - - 24 votes.  
 Mr. Berry of Monroe received - - - - - 24 votes.

No gentleman having received a majority of all the votes given,  
 the Senate proceeded to a fifty-seventh balloting;

And, on counting the same, it appeared that

Mr. Morgan of Decatur received - - - - - 24 votes.  
 Mr. Berry of Monroe received - - - - - 24 votes.

No gentleman having received a majority of all the votes given,  
 the Senate proceeded to a fifty-eighth balloting, Messrs. Akin and  
 Orth acting as tellers;

And, on counting the same, it appeared that

Mr. Morgan of Decatur received - - - - - 24 votes.  
 Mr. Berry of Monroe received - - - - - 24 votes.

No gentleman having received a majority of all the votes given,  
 the Senate proceeded to a fifty-ninth balloting;

And, on counting the same, it appeared that

Mr. Morgan of Decatur received - - - - - 24 votes.  
 Mr. Read received - - - - - 24 votes.

No gentleman having received a majority of all the votes given,  
 the Senate proceeded to a sixtieth balloting;

And, on counting the same, it appeared that

Mr. Morgan of Decatur received - - - - - 24 votes.  
 Mr. Read received - - - - - 24 votes.

Mr. Buell moved to adjourn;

Which motion did not prevail.

No gentleman having received a majority of all the votes given,  
 the Senate proceeded to a sixty-first balloting;

And, on counting the same, it appeared that

Mr. Morgan of Decatur received - - - - - 24 votes.  
 Mr. Read received - - - - - 24 votes.

No gentleman received a majority of all the votes given.

On motion by Mr. Edmonson,

The Senate adjourned until two o'clock, P. M.

2 o'clock, P. M.

The Senate assembled.

Mr. Handy moved a call of the Senate;  
 Which was ordered.

Mr. Parks appearing in his seat,  
 The further call was suspended.

On motion by Mr. Herriman,

The Senate proceeded to a sixty-second balloting for President,  
*pro tem.*, Messrs. Cuppy and Holloway acting as tellers;

And, on counting the same, it appeared that

Mr. Allison received - - - - - 24 votes.  
 Mr. Read received - - - - - 24 votes.

No gentleman having received a majority of all the votes given,  
 the Senate proceeded to a sixty-third balloting;

And, on counting the same, it appeared that

Mr. Allison received - - - - - 24 votes.  
 Mr. Read received - - - - - 24 votes.

No gentleman having received a majority of all the votes given,  
 the Senate proceeded to a sixty-fourth balloting;

And, on counting the same, it appeared that



Mr. Allison received - - - - - 24 votes.  
Mr. Read received - - - - - 24 votes.

No gentleman having received a majority of all the votes given,  
the Senate proceeded to a sixty-fifth balloting;  
And, on counting the same, it appeared that

Mr. Allison received - - - - - 24 votes.  
Mr. Buell received - - - - - 23 votes.  
Blank, - - - - - 1 vote.

No gentleman having received a majority of all the votes given,  
the Senate proceeded to a sixty-sixth balloting;  
And, on counting the same, it appeared that

Mr. Allison received - - - - - 24 votes.  
Mr. Buell received - - - - - 24 votes.

No gentleman having received a majority of all the votes given,  
the Senate proceeded to a sixty-seventh balloting;  
And, on counting the same, it appeared that

Mr. Allison received - - - - - 24 votes.  
Mr. Buell received - - - - - 24 votes.

No gentleman having received a majority of all the votes given,  
the Senate proceeded to a sixty-eighth balloting;  
And, on counting the same, it appeared that

Mr. Allison received - - - - - 24 votes.  
Mr. Buell received - - - - - 24 votes.

No gentleman having received a majority of all the votes given,  
the Senate proceeded to a sixty-ninth balloting;  
And, on counting the same, it appeared that

Mr. Allison received - - - - - 24 votes.  
Mr. Buell received - - - - - 24 votes.

Mr. Handy moved that the Senate adjourn;  
Which motion did not prevail.

No gentleman having received a majority of all the votes given,  
the Senate proceeded to a seventieth balloting;  
And, on counting the same, it appeared that

Mr. Allison received - - - - - 24 votes.  
Mr. Parks received - - - - - 24 votes.

No gentleman having received a majority of all the votes given,  
the Senate proceeded to a seventy-first balloting;  
And, on counting the same, it appeared that

Mr. Allison received - - - - - 24 votes.  
Mr. Parks received - - - - - 24 votes.

Mr. Logan moved that the Senate adjourn;  
Which motion did not prevail.

No gentleman having received a majority of all the votes given,  
the Senate proceeded to a seventy-second balloting;  
And, on counting the same, it appeared that

Mr. Allison received - - - - - 24 votes.  
Mr. Parks received - - - - - 23 votes.  
Blank, - - - - - 1 vote.

No gentleman having received a majority of all the votes given,  
the Senate proceeded to a seventy-third balloting;  
And, on counting the same, it appeared that

Mr. Allison received - - - - - 24 votes.  
Mr. Parks received - - - - - 24 votes.

No gentleman received a majority of all the votes given.

Mr. Herriman moved to adjourn;

The ayes and noes being demanded by Messrs. Orth and Murphey,

*Those who voted in the affirmative are,*

Messrs. Akin, Berry of Franklin, Berry of Monroe, Buell, Chapman of Daviess, Chapman of Laporte, Cuppy, Edmonson, English, Handy, Hardin, Herriman, Holloway, Howell, Jackson, Jones, Lane, Leviston, Logan, Major, Read, Rockhill, and Wood—23.

*Those who voted in the negative are,*

Messrs. Barbour, Bowers, Bradbury, Chenowith, Coffin, Conner, Davis, Ellis, Goodenow, Hamer, Hamrick, Henry, Miller, Montgomery, Moore, Morgan of Dearborn, Morgan of Rush, Murphey, Orth, Pomeroy, Reyburn, Todd, Verbribe, Winchell, and Zenor—25.

So the Senate did not adjourn.

Mr. Handy moved that the Senate adjourn.

The ayes and noes being called for by Messrs. Ellis and Orth,



*Those who voted in the affirmative are,*

Messrs. Akin, Berry of Franklin, Berry of Monroe, Buell, Chapman of Daviess, Chapman of Laporte, Cuppy, Edmonson, English, Handy, Hardin, Herriman, Holloway, Howell, Jackson, Jones, Lane, Leviston, Logan, Major, Miller, Read, Rockhill, and Wood—24.

*Those who voted in the negative are,*

Messrs. Barbour, Bowers, Bradbury, Chenowith, Coffin, Conner, Davis, Ellis, Goodenow, Hamer, Hamrick, Henry, Montgomery, Moore, Morgan of Decatur, Morgan of Rush, Murphey, Orth, Pomeroy, Reyburn, Todd, Verbribe, Winchell, and Zenor—24.

So the Senate refused to adjourn.

Mr. Berry of Franklin moved that the Senate adjourn.

The ayes and noes being called for by Messrs. Orth and Ellis,

*Those who voted in the affirmative are,*

Messrs. Akin, Berry of Franklin, Berry of Monroe, Buell, Chapman of Daviess, Chapman of Laporte, Cuppy, Edmonson, English, Handy, Hardin, Herriman, Holloway, Howell, Jackson, Jones, Lane, Leviston, Logan, Major, Miller, Read, Reyburn, Rockhill, and Wood—25.

*Those who voted in the negative are,*

Messrs. Allison, Barbour, Bowers, Bradbury, Chenowith, Coffin, Conner, Davis, Ellis, Goodenow, Hamer, Hamrick, Henry, Montgomery, Moore, Morgan of Decatur, Morgan of Rush, Murphey, Orth, Pomeroy, Todd, Verbribe, Winchell, and Zenor—24.

So the Senate adjourned until to-morrow morning at 9 o'clock.

THURSDAY MORNING, DEC. 11, 1845.

The Senate assembled.

The Journal of the preceding day having been read,

Mr. Reyburn moved a call of the Senate;

Which was ordered.

Messrs. Lane and Jones appearing in their seats,  
The further call was suspended.

On motion by Mr. Chapman of Laporte.

The Senate then proceeded to a seventy-third balloting for President *pro tem.* of the Senate, Messrs. Conner and Handy acting as tellers;

And, on counting the same, it appeared that

Mr. Bowers received	- - - - -	24 votes.
Mr. Chapman of Laporte received	- - - - -	24 votes.

No gentleman having received a majority of all the votes given, the Senate proceeded to a seventy-fourth balloting;

And, on counting the same, it appeared that

Mr. Bowers received	- - - - -	24 votes.
Mr. Chapman received	- - - - -	23 votes.
Blank,	- - - - -	1 vote.

No gentleman having received a majority of all the votes given, the Senate proceeded to a seventy-fifth balloting;

And, on counting the same, it appeared that

Mr. Bowers received	- - - - -	23 votes.
Mr. Chapman received	- - - - -	24 votes.
Blank,	- - - - -	1 vote.

No gentleman having received a majority of all the votes given, the Senate proceeded to a seventy-sixth balloting;

And, on counting the same, it appeared that

Mr. Bowers received	- - - - -	24 votes.
Mr. Chapman received	- - - - -	24 votes.

No gentleman having received a majority of all the votes given, the Senate proceeded to a seventy-seventh balloting;

And, on counting the same, it appeared that

Mr. Bowers received	- - - - -	24 votes.
Mr. Chapman received	- - - - -	24 votes.

No gentleman having received a majority of all the votes given, the Senate proceeded to a seventy-eighth balloting;

And, on counting the same, it appeared that

Mr. Bowers received	- - - - -	24 votes.
Mr. Chapman received	- - - - -	24 votes.



No gentleman having received a majority of all the votes given,  
the Senate proceeded to a seventy-ninth balloting;

And, on counting the same, it appeared that

Mr. Bradbury received	-	-	-	-	-	24 votes.
Mr. Chapman received	-	-	-	-	-	24 votes.

No gentleman having received a majority of all the votes given,  
the Senate proceeded to an eightieth balloting;

And, on counting the same, it appeared that

Mr. Bradbury received	-	-	-	-	-	24 votes.
Mr. Chapman received	-	-	-	-	-	23 votes.
Blank,	-	-	-	-	-	1 vote.

No gentleman having received a majority of all the votes given,  
the Senate proceeded to an eighty-first balloting;

And, on counting the same, it appeared that

Mr. Bradbury received	-	-	-	-	-	24 votes.
Mr. Leviston received	-	-	-	-	-	24 votes.

Mr. Buell moved to adjourn;

Which motion did not prevail.

No gentleman having received a majority of all the votes given,  
the Senate proceeded to an eighty-second balloting;

And, on counting the same, it appeared that

Mr. Bradbury received	-	-	-	-	-	24 votes.
Mr. Leviston received	-	-	-	-	-	24 votes.

No gentleman having received a majority of all the votes given,  
the Senate proceeded to an eighty-third balloting;

And, on counting the same, it appeared that

Mr. Bradbury received	-	-	-	-	-	24 votes.
Mr. Leviston received	-	-	-	-	-	24 votes.

No gentleman having received a majority of all the votes given,  
the Senate proceeded to an eighty-fourth balloting;

And, on counting the same, it appeared that

Mr. Coffin received	-	-	-	-	-	24 votes.
Mr. Leviston received	-	-	-	-	-	24 votes.

Mr. Jones moved that the Senate adjourn;

Which motion did not prevail.

No gentleman having received a majority of all the votes given,  
the Senate proceeded to an eighty-fifth balloting;

And, on counting the same, it appeared that

Mr. Coffin received	-	-	-	-	-	24 votes.
Mr. Leviston received	-	-	-	-	-	24 votes.

Mr. Buell moved to adjourn;

Which motion did not prevail.

No gentleman having received a majority of all the votes given,  
the Senate proceeded to an eighty-sixth balloting;

And, on counting the same, it appeared that

Mr. Coffin received	-	-	-	-	-	24 votes.
Mr. Edmonson received	-	-	-	-	-	24 votes.

No gentleman having received a majority of all the votes given,  
the Senate proceeded to an eighty-seventh balloting;

And, on counting the same, it appeared that

Mr. Coffin received	-	-	-	-	-	24 votes.
Mr. Edmonson received	-	-	-	-	-	24 votes.

Mr. Wood moved to adjourn;

Which motion did not prevail.

No gentleman having received a majority of all the votes given,  
the Senate proceeded to an eighty-eighth balloting;

And, on counting the same, it appeared that

Mr. Coffin received	-	-	-	-	-	24 votes.
Mr. Edmonson received	-	-	-	-	-	24 votes.

Mr. Hamrick moved to adjourn;

Which motion did not prevail.

No gentleman having received a majority of all the votes given,  
the Senate proceeded to an eighty-ninth balloting;

And, on counting the same, it appeared that

Mr. Winchell received	-	-	-	-	-	24 votes.
Mr. Edmonson received	-	-	-	-	-	24 votes.

No gentleman received a majority of all the votes given.

On motion by Mr. Reyburn,

The Senate adjourned until two o'clock, P. M.



2 o'clock, P. M.

The Senate met.

Mr. Hardin moved a call of the Senate;  
Which was ordered.

All the members appearing in their seats,  
The further call was suspended.

On motion by Mr. Howell,

The Senate proceeded to a ninetieth balloting for a President  
*pro tempore*, Messrs. Conner and Handy acting as tellers;

And, on counting the same, it appeared that

Mr. Winchell received	-	-	-	-	24 votes.
Mr. Edmonson received	-	-	-	-	24 votes.

No gentleman having received a majority of all the votes given,  
the Senate proceeded to a ninety-first balloting;

And, on counting the same, it appeared that

Mr. Winchell received	-	-	-	-	24 votes.
Mr. Lane received	-	-	-	-	24 votes.

No gentleman having received a majority of all the votes given,  
the Senate proceeded to a ninety-second balloting, Messrs. Akin and  
Morgan of Decatur acting as tellers;

And, on counting the same, it appeared that

Mr. Winchell received	-	-	-	-	24 votes.
Mr. Lane received	-	-	-	-	24 votes.

No gentleman having received a majority of all the votes given,  
the Senate proceeded to a ninety-third balloting;

And, on counting the same, it appeared that

Mr. Winchell received	-	-	-	-	24 votes.
Mr. Lane received	-	-	-	-	24 votes.

No gentleman having received a majority of all the votes given,  
the Senate proceeded to a ninety-fourth balloting;

And, on counting the same, it appeared that

Mr. Winchell received	-	-	-	-	24 votes.
Mr. Lane received	-	-	-	-	24 votes.

No gentleman having received a majority of all the votes given,  
the Senate proceeded to a ninety-fifth balloting;

And, on counting the same, it appeared that

Mr. Conner received	-	-	-	-	24 votes.
Mr. Barbour received	-	-	-	-	24 votes.

No gentleman having received a majority of all the votes given,  
the Senate proceeded to a ninety-sixth balloting;

And, on counting the same, it appeared that

Mr. Conner received	-	-	-	-	24 votes.
Mr. Barbour received	-	-	-	-	23 votes.
Blank,	-	-	-	-	1 vote.

Mr. Buell moved to adjourn;

Which motion did not prevail.

No gentleman having received a majority of all the votes given,  
the Senate proceeded to a ninety-seventh balloting;

And, on counting the same, it appeared that

Mr. Conner received	-	-	-	-	24 votes.
Mr. Barbour received	-	-	-	-	24 votes.

No gentleman having received a majority of all the votes given,  
the Senate proceeded to a ninety-eighth balloting;

And, on counting the same, it appeared that

Mr. Conner received	-	-	-	-	24 votes.
Mr. Barbour received	-	-	-	-	24 votes.

No gentleman received a majority of all the votes given.

Mr. Hardin moved that the Senate adjourn;

Which motion did not prevail.

Mr. Davis moved a call of the Senate;

Which was ordered.

All the members appearing in their seats,

The further call was suspended.

Mr. Barbour moved that the Senate adjourn;

Messrs. Chapman of Laporte and Barbour called for the ayes  
and noes, and,

*Those who voted in the affirmative are,*

Messrs. Barbour, Chapman of Laporte, Cuppy, Hardin, Herriman,  
Jones, and Major—7.

*Those who voted in the negative are,*

Messrs. Akin, Allison, Berry of Franklin, Berry of Monroe,  
Bowers, Bradbury, Buell, Chapman of Daviess, Chenowith, Coffin,  
Conner, Davis, Edmonson Ellis, English, Goodenow, Hamer, Ham-



rick, Handy, Henry, Holloway, Howell, Jackson, Lane, Leviston, Logan, Miller, Montgomery, Moore, Morgan of Decatur, Morgan of Rush, Murphy, Orth, Parks, Pomeroy, Read, Reyburn, Rockhill, Todd, Verbriake, Winchell, Wood, and Zenor—43.

So the Senate refused to adjourn.

Mr. Morgan of Decatur moved to proceed to a ninety-ninth balloting for President *pro tem.*;

Pending which,

Mr. Chapman of Laporte moved that the Senate adjourn.

The ayes and noes being called for by Messrs. Chapman of Laporte and Barbour,

*Those who voted in the affirmative are,*

Messrs. Akin, Barbour, Berry of Monroe, Buell, Chapman of Laporte, Chenowith, Coffin, Conner, Cuppy, Ellis, English, Goodenow, Handy, Hardin, Henry, Herriman, Howell, Jackson, Jones, Leviston, Logan, Major, Montgomery, Moore, Murphey, Orth, Pomeroy, Read, Rockhill, Todd, Verbriake, Winchell, Wood, and Zenor—34.

*Those who voted in the negative are,*

Messrs. Allison, Bowers, Bradbury, Chapman of Daviess, Davis, Edmonson, Hamer, Hamrick, Holloway, Lane, Morgan of Decatur, Morgan of Rush, and Reyburn—13.

So the Senate adjourned until to-morrow morning at 9 o'clock.

FRIDAY MORNING, DEC. 12, 1845.

The Senate assembled.

The Journal of the preceding day having been read,

Mr. Chapman of Laporte moved a call of the Senate, Which was ordered.

On motion by Mr. Hamer,  
The further call was suspended.

On motion by Mr. Herriman,  
The Senate proceeded to a ninety-ninth balloting for President *pro tempore*, Messrs. Morgan of Decatur and Logan acting as tellers; And, on counting the same, it appeared that

Godlove S. Orth received 41 votes.  
Scattering, - - - - - 7 votes.

Mr. Orth having received a majority of all the votes given, was declared by the Secretary duly elected President, *pro tempore*, of the Senate, and was conducted to the Chair by Messrs. Read and Ellis; after which he returned his thanks for the honor conferred.

Mr. Herriman presented the petition of William S. Prentiss, judge of the probate court in and for the county of Lagrange, praying for relief; which,

On motion by Mr. Herriman,

Was referred to the committee on the judiciary.

Mr. Herriman also presented the petition of 655 citizens of Noble county, praying for the re-location of the county seat of said county;

Which was referred to a select committee of Messrs. Herriman, Rockhill and Cuppy.

Mr. Goodenow presented the petition of Henry Shiner, praying for a title to certain land therein named;

Which was referred to the committee on the judiciary.

Mr. Rockhill presented the petition of sundry citizens of Huntington county in relation to the water power at lock No. 2, on the Wabash and Erie canal;

Which was referred to the committee on canals and internal improvements.

Mr. Read presented the petition of sundry citizens of Clark county in relation to a canal around the falls of the Ohio;

Which was referred to the committee on the State prison.

Mr. Holloway presented the petition of sundry citizens of Wayne county in relation to the abolishment of capital punishment;

Which was referred to a select committee of Messrs. Holloway, Leviston and Murphey.

Mr. Murphey presented a similar petition of sundry citizens of Henry county;

Which was referred to the same select committee.

Mr. Berry of Franklin presented the petition of sundry citizens of Franklin county, praying for the incorporation of a Lutheran church in said county;

Which was referred to a select committee of Messrs. Berry, Zenor and Wood.

The President laid before the Senate the communication of Amos Martin and John Wynn, concerning an award;

Which was referred to the committee on claims.

The President laid before the Senate the communication of the commissioners of the Sinking Fund asking an investigation of the condition of said fund;

Which was referred to a select committee of Messrs. Parks, Ellis and Howell.



The President laid before the Senate the annual report of the commissioners of the Sinking Fund;

Which was referred to the committee on the State bank.

The President laid before the Senate the annual report of the board of directors of the State bank;

Which was referred to the committee on the State bank.

Mr. Akin, chairman of the committee on finance, submitted the following report:

MR. PRESIDENT:

The committee on finance, to whom was referred so much of the Governor's message as relates to the reduction in the expenditures of the State government, report the following statement, showing the amount of such reduction as appears from a comparison of the reports of the Auditor of State for the years 1844 and 1845. The reduction in certain accounts has been \$29,201 74, and the increased expenditures in certain others have been \$6,955 30, deducting this latter amount from the former there would be in the aggregate a reduction of \$22,246 44.

# STATEMENT.

<i>On what account.</i>	<i>Amount expended in 1844.</i>	<i>Amount expended in 1845.</i>	<i>Reduction.</i>	<i>Increase.</i>
Executive Officers,.....	\$3,102 04	\$4,300 00	.....	\$1,197 96
Judiciary,.....	17,883 40	14,615 31	\$3,268 09	.....
Prosecuting Attorney,.....	1,693 40	1,860 93	.....	167 53
Militia,.....	227 12	200 00	27 12	.....
Public Printing, &c.,.....	15,834 13	4,209 54	11,624 59	.....
Stationery and Fuel,.....	12,959 15	2,156 71	10,802 44	.....
Legislative,.....	25,112 62	24,998 27	114 35	.....
Probate Judges,.....	4,004 00	5,398 00	.....	1,394 00
Specific,.....	7,279 38	4,619 86	2,659 52	.....
State Library,.....	382 56	472 57	.....	90 01
State House,.....	1,447 89	3,649 75	.....	2,201 86
State Prison,.....	1,417 88	2,195 19	.....	777 31
Governor's House,.....	638 62	86 83	551 79	.....
Contingent Fund,.....	1,386 54	1,232 70	153 84	.....
Distributing Laws,.....	.....	559 60	.....	559 60
Presidential Election,.....	.....	567 03	.....	567 03
Total,.....	\$93,368 73	\$71,122 29	\$29,201 74	\$6,955 30
Deduct the sum of.....	.....	.....	6,955 30	.....
			\$22,246 44	



Mr. Hamrick, from a select committee, submitted the following report :

**MR. PRESIDENT:**

The select committee, to whom was referred a resolution of the Senate instructing them to enquire into the expediency of calling a convention to amend the State constitution, have had the same under consideration, and have instructed me to report the accompanying bill and respectfully recommend its passage :

No. 14. A bill to authorize the qualified voters of this State to vote for or against the calling of a convention for a revision of the constitution of this State ;

Which was read a first time and ordered to a second reading on to-morrow.

Mr. Holloway, from a select committee, submitted the following report :

**MR. PRESIDENT:**

The select committee, to whom was referred sundry petitions from the members of the Independent Order of Odd Fellows asking a charter for a grand lodge of their order, have instructed me to report the accompanying bill, and recommend its passage :

No. 15. A bill to incorporate the Grand Lodge of the Independent Order of Odd Fellows of the State of Indiana ;

Which was read a first time and ordered to a second reading on to-morrow.

The following messages were received from the House of Representatives by Mr. Kinder, their Clerk :

**MR. PRESIDENT:**

I am directed to inform the Senate that the House have passed the following joint resolution of the Senate without amendment :

No. 1. A joint resolution upon the subject of improving the Western waters.

The House have also passed the following engrossed bill and joint resolution thereof :

No. 18. A bill to provide for a special term of the Allen circuit court ;

No. 7. A joint resolution instructing our Senators and requesting our Representatives in Congress to procure the passage of a law for the relief of pre-emption settlers on the Miami Reserve ;

In which I am directed to ask the concurrence of the Senate.

**MR. PRESIDENT:**

I am instructed by the House of Representatives to inform the Senate that the House have passed engrossed bills thereof as follows :

No. 1. A joint resolution reviving in part a certain act therein named ;

No. 2. An act to legalize the acts of James Batman, a justice of the peace for Bono township, Lawrence county ;

No. 20. A joint resolution to Congress in relation to the claim of Colonel Francis Vigo, late of Knox county, Indiana ;

No. 22. A bill to change the time of holding probate courts in Dubois county ;

No. 38. A bill to dissolve the matrimonial ties existing between Patsey Hubbard and Malachi Hubbard, her husband ; and to authorize the entering of a nolle prosequi on a certain indictment against said Patsey ;

In which the concurrence of the Senate is respectfully requested.

No. 4. A bill authorizing the personal property of the estate of Lyman G. Bellamy, late of Allen county, deceased, to be sold at private sale ;

No. 5. A bill dissolving the bonds of matrimony between Ann B. Evans and Joseph Evans ;

No. 25. An act declaring a misprint in the Revised Statutes of 1843 ;

No. 26. An act regulating the jurisdiction of justices of the peace in the counties of Lake and Porter ;

No. 27. A bill to authorize the auditor of Gibson county to make a deed in a certain case therein named ;

No. 31. An act repealing an act entitled, "An act providing for the fees of the auditor of Hancock county ;"

No. 44. A joint resolution relative to the Michigan City harbor ;

No. 34. A bill to vacate the town plat of the town of New Charlestown, in Jay county, Indiana ;

No. 43. An act establishing a State road in the counties of Elkhart and St. Joseph ;

No. 45. A joint resolution instructing our Senators and requesting our Representatives to vote for an appropriation on the St. Joseph river ;

In which the concurrence of the Senate is respectfully requested.

The House have passed, without amendment, the following engrossed bills and joint resolutions of the Senate :

No. 2. A joint resolution legalizing the acts of Henry Stricklin, a justice of the peace of Greene county ;

No. 2. An act to reduce the salary of the auditor of Sullivan county.



## MR. PRESIDENT:

I am directed by the House to inform the Senate that the House have passed the following engrossed bills thereof:

No. 5. A bill declaratory of the meaning of the twenty-ninth section of the first article of the forty-fifth chapter of the Revised Statutes of 1843;

No. 9. A bill changing the time of holding probate courts in Allen county;

No. 10. A bill supplemental to the twelfth article of the fortieth chapter of the Revised Laws of 1843;

No. 13. An act relative to the probate courts of Jackson and Greene counties;

No. 23. An act in relation to the bank tax fund.

Mr. Edmonson offered the following resolution:

*Resolved*, That the Agent of State be requested to report to the Senate, at as early a day as practicable, all or any of the outstanding bonds of the State, for which the State has received no equivalent, together with the number and date thereof, to and by whom sold;

Which was adopted.

Mr. Wood offered the following resolution:

*Resolved*, That the committee on education be requested to report a bill for the permanent location and building of the deaf and dumb asylum, and report the same at as early a day as convenient;

Which was adopted.

Mr. Berry of Monroe offered the following resolution:

*Resolved*, That the committee on education be instructed to enquire into the causes of the loss in the State University fund, and whether any legislation is necessary to prevent the recurrence of such loss in future; and that they report by bill or otherwise;

Which was adopted.

Mr. Miller offered the following resolution:

*Resolved*, That the committee on education be instructed to enquire into the expediency of fixing by law the rate of interest on the surplus revenue fund at six per cent. per annum, instead of seven; with leave to report by bill or otherwise;

Which was adopted.

Mr. Cuppy offered the following resolution:

*Resolved*, That the committee on canals and internal improvements be instructed to enquire into the expediency of requiring the tolls and water rents on the Wabash and Erie canal to be paid in par funds; with leave to report by bill or otherwise.

Which resolution was adopted.

Mr. Read introduced,

No. 16. A bill authorizing the Church of God, meeting on Walnut

street, in the town of Jeffersonville, to elect trustees and sell their property for the payment of their debts;

Which was read a first time, and ordered to a second reading on to-morrow.

Mr. Pomeroy introduced,

No. 17. A bill to amend the ninety-fourth section of chapter twelve, of the Revised Statutes of 1843;

Which was read a first and second times, (the rules being suspended,) and referred to the committee on the judiciary.

Mr. Miller introduced,

No. 18. A bill to authorize the sale of school land in township two south, of range one west, in the county of Crawford;

Which was read a first time, and ordered to a second reading on to-morrow.

Mr. Parks introduced,

No. 19. A bill allowing additional compensation to the auditor of Morgan county;

Which was read a first time, and ordered to a second reading on to-morrow.

Mr. Hamer introduced,

No. 20. A bill to repeal an act to reduce the prices paid for ferriages in Lawrence county, approved January 15th, 1844, and to revive the general law;

Which was read a first time, and ordered to a second reading on to-morrow.

Mr. Hamrick introduced,

No. 21. A bill to establish a State road in the counties of Putnam and Clay;

Which was read a first time, and ordered to a second reading on to-morrow.

Mr. Buell moved to take from the table,

No. 9. A bill (of the Senate) to reduce the fees of pilots, and for other purposes;

Which motion prevailed.

Mr. Buell moved to amend said bill by fixing the number of pilots in Dearborn and Ohio counties at three each.

Which amendment was adopted.

On motion by Mr. Read,

Said bill was recommitted to the same select committee to which it was before referred.

The President laid before the Senate the communication of the trustees of the deaf and dumb asylum, made in pursuance of a resolution of the Senate;

Which was laid upon the table and five hundred copies thereof ordered to be printed.

Mr. Reyburn introduced,

No. 22. A bill to extend an act entitled, "An act to revive and



amend an act entitled, 'An act for the relief of settlers on the Wabash and Erie canal lands,' approved February 24, 1840," approved January 13, 1845;

Which was read a first time, and passed to a second reading on to-morrow.

On motion by Mr. Edmonson,  
The Senate took up the messages from the House of Representatives.

No. 5. A bill (of the House) declaratory of the meaning of the twenty-ninth section of the first article of the forty-fifth chapter of the Revised Statutes of 1843;

Which was read a first and second times, the rules being suspended, and referred to the committee on the judiciary.

No. 9. A bill (of the House) changing the time of holding probate courts in Allen county;

Which was read a first and second times, the rules being suspended, and referred to the committee on the judiciary.

No. 10. A bill (of the House) supplemental to the twelfth article of the fortieth chapter of the Revised Laws of 1843;

Which was read a first and second times, the rules being suspended, and referred to the committee on the judiciary.

No. 13. A bill (of the House) relative to the probate courts of Jackson and Greene counties;

Read a first and second times, the rules being suspended, and referred to the committee on the judiciary.

No. 23. A bill (of the House) in relation to the bank tax fund;

Read a first and second times, the rules being suspended, and referred to the committee on the judiciary.

No. 25. A bill (of the House) declaring a misprint in the Revised Statutes of 1843;

Read a first and second times, the rules being suspended, and referred to the committee on the judiciary.

No. 26. A bill (of the House) regulating the jurisdiction of justices of the peace in the counties of Lake and Porter;

Read a first and second times, the rules being suspended, and referred to the committee on the judiciary.

No. 27. A bill (of the House) to authorize the auditor of Gibson county to make a deed in a certain case therein named;

Read a first and second times, the rules being suspended, and referred to the committee on the judiciary.

No. 31. A bill (of the House) repealing an act entitled, "An act providing for the fees of the auditor of Hancock county;"

Read a first and second times, the rules being suspended, and,

On motion by Mr. Parks,

Laid upon the table.

No. 44. A joint resolution (of the House) in relation to the Michigan City harbor;

Read three times, the rules being suspended, and passed.

No. 34. A bill (of the House) to vacate the town plat of the town of New Charlestown, in Jay county, Indiana;

Read three times, the rules being suspended, and,

On motion by Mr. Herriman,

Laid upon the table.

No. 43. A bill (of the House) establishing a State road in the counties of Elkhart and St. Joseph;

Read a first and second times, the rules being suspended, and referred to the committee on roads.

No. 45. A joint resolution (of the House) instructing our Senators and requesting our Representatives in Congress to vote for an appropriation for the St. Joseph river;

Read twice, the rules being suspended, and referred to the committee on federal relations.

No. 18. A bill (of the House) to provide for a special term of the Allen circuit court;

Read three times, the rules being suspended, and passed.

No. 7. A joint resolution (of the House) instructing our Senators and requesting our Representatives in Congress to procure the passage of a law for the relief of pre-emption settlers in the Miami Reserve;

Read twice, the rules being suspended, and ordered to a third reading on to-morrow.

No. 1. A joint resolution (of the House) reviving in part a certain act therein named;

Read twice, the rules being suspended, and referred to the committee on the judiciary.

No. 2. A bill (of the House) to legalize the acts of James Batman, a justice of the peace in Bono township, Lawrence county;

Read twice, the rules being suspended, and ordered to a third reading on to-morrow.

No. 20. A joint resolution (of the House) in relation to the claim of Colonel Francis Vigo, late a citizen of Knox county, Indiana;

Read three times, the rules being suspended, and passed.

No. 22. A bill (of the House) to change the time of holding probate courts in Dubois county;

Read a first and second times, and referred to a select committee of Messrs. Edmonson, Henry, and Jones.

No. 38. A bill (of the House) to dissolve the matrimonial ties existing between Patsey Hubbard and Malachi Hubbard, her husband; and to authorize the entering of a nolle prosequi on a certain indictment against the said Patsey.

Mr. Ellis moved to refer said bill to the committee on the judiciary.

Mr. Morgan of Decatur moved to instruct said committee to enquire into the constitutionality of such a law.

Mr. Herriman called for a division of the question.

The question then recurring on referring the bill,



The ayes and noes were called for by Messrs. Morgan of Decatur and Reyburn; and.

*Those who voted in the affirmative are,*

Messrs. Allison, Barbour, Bowers, Bradbury, Chenowith, Conner, Ellis, Goodenow, Morgan of Decatur, Morgan of Rush, Murphey, Orth, Reyburn, and Todd—14.

*Those who voted in the negative are,*

Messrs. Akin, Berry of Franklin, Berry of Monroe, Buell, Chapman of Laporte, Coffin, Cuppy, Davis, Edmonson, English, Hamer, Hamrick, Handy, Hardin, Henry, Herriman, Holloway, Howell, Jackson, Jones, Lane, Leviston, Logan, Major, Miller, Montgomery, Moore, Parks, Pomeroy, Read, Rockhill, Verbriake, Winchell, Wood, and Zenor—35.

So the Senate refused to refer said bill.

Mr. Herriman moved to suspend the rules and read the bill a third time now.

On the motion to suspend,

The ayes and noes being called for by Messrs. Reyburn and Morgan of Decatur,

*Those who voted in the affirmative are,*

Messrs. Akin, Berry of Franklin, Berry of Monroe, Bowers, Bradbury, Buell, Chapman of Laporte, Coffin, Cuppy, Davis, Edmonson, English, Hamer, Hamrick, Handy, Hardin, Henry, Herriman, Holloway, Howell, Jackson, Jones, Lane, Leviston, Logan, Major, Miller, Montgomery, Moore, Parks, Pomeroy, Read, Rockhill, Verbriake, Winchell, Wood, and Zenor—37.

*Those who voted in the negative are,*

Messrs. Allison, Barbour, Chenowith, Conner, Goodenow, Morgan of Decatur, Morgan of Rush, Murphy, Orth, Reyburn, and Todd—11.

So the rules were suspended and the bill read a third time.

The question then recurred upon the passage of the bill.

The ayes and noes being called for by Messrs. Murphey and Reyburn,

*Those who voted in the affirmative are,*

Messrs. Akin, Berry of Franklin, Berry of Monroe, Bowers, Buell, Chapman of Laporte, Coffin, Cuppy, Davis, Edmonson, English, Hamer, Hamrick, Handy, Hardin, Henry, Herriman, Holloway,

Howell, Jackson, Lane, Leviston, Logan, Major, Miller, Montgomery, Moore, Parks, Pomeroy, Read, Rockhill, Verbriake, Winchell, Wood, and Zenor—34.

*Those who voted in the negative are,*

Messrs. Allison, Barbour, Bradbury, Chenowith, Conner, Ellis, Goodenow, Morgan of Decatur, Morgan of Rush, Murphey, Orth, Reyburn, and Todd—13.

So the bill passed.

#### ORDERS OF THE DAY.

No. 7. A bill (of the Senate) to attach the county of Tipton to the eleventh judicial circuit, and to fix the time of holding courts in said circuit;

Read a second time, and,

On motion by Mr. Conner,

Laid upon the table.

On motion by Mr. Parks,

The Senate adjourned until two o'clock, P. M.

2 o'clock, P. M.

The Senate met.

Mr. Herriman moved to take from the table,

No. 34. A bill (of the House) to vacate the town plat of the town of New Charlestown, in Jay county, Indiana;

Which motion prevailed.

Said bill was then read a third time, the rules being suspended, and passed.

Mr. Buell, from a select committee, submitted the following report:

MR. PRESIDENT:

The majority of a select committee to whom was recommitted a bill to reduce the fees of pilots, &c., with the accompanying documents, have directed me to report the same back and recommend its passage.

No. 9. A bill (of the Senate) to reduce the fees of pilots and for other purposes;

Read a second time.

Mr. Buell moved that said bill be engrossed and read a third time on to-morrow.



The ayes and noes being called for by Messrs. Read and Bowers,

*Those who voted in the affirmative are,*

Messrs. Allison, Barbour, Berry of Franklin, Berry of Monroe, Buell, Bowers, Bradbury, Chapman of Laporte, Chenowith, Conner, Cuppy, Davis, Edmonson, Ellis, Goodenow, Hamer, Hamrick, Henry, Holloway, Jones, Leviston, Logan, Montgomery, Moore, Morgan of Decatur, Morgan of Rush, Murphey, Orth, Pomeroy, Reyburn, Todd, Verbrike, Winchell, and Wood—34.

*Those who voted in the negative are,*

Messrs. Akin, Chapman of Daviess, English, Handy, Hardin, Herriman, Howell, Jackson, Major, Miller, Parks, Read, Rockhill, and Zenor—14.

So said bill was ordered to be engrossed and read a third time on to-morrow.

Mr. Morgan of Decatur gave notice that he should, on to-morrow, move to amend the thirty-third rule of the Senate.

Mr. Ellis offered the following resolution:

*Resolved*, That a select committee be appointed to enquire into and devise the most practicable mode or plan for the speedy completion of the New Albany and Vincennes McAdamized road, and report by bill or otherwise.

Which resolution was adopted.

Messrs. Ellis, Davis, and Chapman of Daviess were appointed said committee.

Mr. Allison introduced,

No. 23. A bill explanatory of section 163, chapter 12, of the Revised Statutes of 1843;

Which was read a first and second times, the rules being suspended, and referred to the committee on the judiciary.

Mr. English introduced,

No. 24. A bill to repeal an act approved January 13th, 1845, so far as the county of Jackson is concerned;

Which was read a first time, and ordered to a second reading on to-morrow.

On motion by Mr. Hardin,

The Senate adjourned until to-morrow morning at 9 o'clock.

SATURDAY MORNING, DEC. 13, 1845.

The Senate assembled.

The Journal of the preceding day was read.

The President added the name of Mr. Allison to the committee on enrolled bills.

Mr. Moore presented the petition of the board of trustees of the Wabash Manual Labor College, in relation to said institution;

Which was referred to the committee on education.

Mr. Bradbury presented the petition of sundry citizens of Cambridge City and vicinity, praying for the establishment of a city court in said city;

Which was referred to the committee on the judiciary.

Mr. Goodenow presented a similar petition,

Which was also referred to the committee on the judiciary.

Mr. Akin, chairman of the committee on finance, submitted the following report:

MR. PRESIDENT:

The committee on finance, to whom was referred a resolution of the Senate in relation to repealing sections 70 and 73, of article 4, chapter 7, of the Revised Statutes of 1843, have had the same under consideration, and have instructed me to report the following bill:

No. 25. A bill to repeal the 18th section of chapter 4, of the Revised Statutes of 1843;

Which was read a first time and ordered to a second reading on Monday next.

Mr. Chapman of Laporte, chairman of the committee on the judiciary, submitted the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred bill of the Senate No. 17, "A bill to amend the 94th section of chapter 12. Revised Statutes of 1843," have had the same under consideration, and have directed me to report the same back without amendment, and recommend its passage:

No. 17. A bill (of the Senate) to amend the 94th section of chapter 12 of the Revised Statutes of 1843;

Which was read a second and third times, the rules being suspended, and passed.



On motion by Mr. Chapman of Laporte,

The title of said bill was amended so as to read as follows :

A bill in relation to the sale of lands and other real estate for the non-payment of taxes.

Mr. Wood, from the committee on the State prison, submitted the following report :

MR. PRESIDENT :

The committee on the State prison, to whom was referred a resolution relative to applying the labor of the convicts in the State prison to the construction of a canal around the falls of the Ohio river at Jeffersonville, have had that matter under consideration, and the committee are aware of the importance of the work, and regret that the State have not heretofore employed the convicts in opening a canal around the falls, believing as they do, that the receipts of such a work would defray the current expenses of the State ; but, owing to the embarrassed condition of the State, the committee have directed me to report that it is inexpedient to legislate on that subject, and ask to be discharged from the further consideration of the same.

Which report was concurred in.

Mr. Parks, chairman of the committee on agriculture, submitted the following report :

MR. PRESIDENT :

The committee on agriculture, to whom was referred a joint resolution upon the subject of overflowed public lands, have had that subject under consideration, and have directed me to report the same back to the Senate and recommend its passage with the following amendment, to-wit :

By striking out of the 1st section, "Be it resolved by the General Assembly of the State of Indiana that," and inserting in lieu thereof, "Whereas," and that the 2d section be so amended as to correspond with the preceding amendments.

Which report was concurred in.

Mr. Chapman of Laporte moved to recommit said joint resolution to the committee on agriculture with instructions to amend the same so as to grant said lands to the counties in which they lie for educational purposes.

Which motion did not prevail.

Said joint resolution was then ordered to a third reading on Monday next.

Mr. Handy, from the select committee for districting the State, made the following report :

MR. PRESIDENT :

The select committee appointed to district the State, to whom was referred a resolution of the Senate enquiring into the expediency of reporting a bill to consist of thirty-three Senators and sixty-six Representatives, have had that matter under consideration, and have unanimously directed me to report it inexpedient, and ask to be discharged from the further consideration of that subject.

On the question to concur in said report,

The ayes and noes being called for by Messrs. Buell and Holloway,

*Those who voted in the affirmative are,*

Messrs. Barbour, Chapman of Daviess, Chapman of Laporte, Edmonson, English, Handy, Hardin, Herriman, Howell, Jones, Lane, Major, Miller, Morgan of Decatur, Murphey, Pomeroy, Reyburn, and Winchell—18.

*Those who voted in the negative are,*

Messrs. Akin, Allison, Berry of Franklin, Berry of Monroe, Bowers, Bradbury, Buell, Chenowith, Conner, Cuppy, Davis, Ellis, Goodenow, Hamer, Hamrick, Henry, Holloway, Leviston, Logan, Montgomery, Moore, Morgan of Rush, Orth, Parks, Read, Rockhill, Todd, Verbrike, Wood, and Zenor—30.

So the Senate refused to concur in said report.

Mr. Herriman moved to refer the resolution just reported back to the Senate, providing for 33 Senators and 66 Representatives, to the committee on the judiciary, with instructions to report a bill in accordance with said resolution.

Mr. Buell moved to amend the instructions by striking out the words "thirty-three," and inserting the words "not exceeding forty-one."

Mr. Zenor moved to lay said report and pending amendments on the table.

The ayes and noes being called for by Messrs. Herriman and Morgan of Decatur,

*Those who voted in the affirmative are,*

MESSRS. Akin, Barbour, Bowers, Chapman of Daviess, Davis, Edmonson, English, Handy, Hardin, Howell, Jones, Lane, Major, Miller, Murphey, Read, Reyburn, and Zenor—18.



*Those who voted in the negative are,*

Messrs. Allison, Berry of Franklin, Berry of Monroe, Bradbury, Buell, Chapman of Laporte, Chenowith, Conner, Cuppy, Ellis, Goodenow, Hamer, Hamrick, Henry, Herriman, Holloway, Leviston, Logan, Montgomery, Moore, Morgan of Decatur, Morgan of Rush, Orth, Parks, Pomeroy, Rockhill, Todd, Verbriek, Winchell, and Wood—30.

So said report and pending amendments were not laid upon the table.

Mr. Edmonson called for a division of the question;

And the question recurring on referring said resolution,

The ayes and noes were called for by Messrs. Herriman and Buell; and,

*Those who voted in the affirmative were,*

Messrs. Akin, Berry of Monroe, Buell, Chapman of Daviess, Conner, Cuppy, Ellis, Goodenow, Hamrick, Henry, Herriman, Holloway, Logan, Montgomery, Moore, Morgan of Rush, Orth, Parks, Read, Rockhill, Todd, Verbriek, and Wood—23.

*Those who voted in the negative are,*

Messrs. Allison, Barbour, Berry of Franklin, Bowers, Bradbury, Chapman of Laporte, Chenowith, Davis, Edmonson, English, Hamer, Handy, Hardin, Howell, Jones, Leviston, Major, Miller, Morgan of Decatur, Murphey, Pomeroy, Reyburn, Winchell, and Zenor—24.

So the Senate refused to refer said resolution.

Mr. Chapman of Laporte offered the following resolution:

*Resolved*, That the State Printer be requested to furnish for the use of the Senate, five hundred copies of the report of the Superintendent of the State prison.

Which was adopted.

Mr. Parks offered the following resolution:

*Resolved*, That the committee on the judiciary be instructed to enquire into the expediency of passing a law authorizing the auditors of the several counties to strike from the tax duplicates all taxes that cannot be collected, where the persons have died or absconded from the county, leaving no means to pay said tax, with leave to report by bill or otherwise.

Which was adopted.

Mr. Hardin offered the following resolution:

*Resolved*, That the committee on the judiciary be instructed to enquire whether the act for the relief of the poor does not require some amendment or change, to enable justices of the peace who are

constituted overseers of the poor, to discharge the two-fold duties now assigned them.

Which was adopted.

Mr. Ellis offered the following resolution:

*Resolved*, That the Auditor of Public Accounts be requested to communicate, as soon as practicable, to the Senate, the last annual report of the commissioner on the New Albany and Vincennes McAdamized road;

Which was adopted.

Mr. Hamrick offered the following resolution:

*Resolved*, That the committee on roads be instructed to enquire into the expediency of so amending the road law as to allow the boards of commissioners of the several counties in this State to determine the width of county roads;

Which was adopted.

Mr. English offered the following resolution:

*Resolved*, That the committee on the judiciary be instructed to enquire into the expediency of abolishing security on individual contracts, and report at as early a day as practicable by bill or otherwise;

Which was adopted.

Mr. Leviston offered the following resolution:

*Resolved*, That the committee on the judiciary be instructed to enquire into the expediency of assimilating the terms of the various offices for State and counties, with that of the sheriff's office, so that no person shall be eligible to any office in succession more than two terms; with leave to report by bill or otherwise;

Which was adopted.

Mr. Miller offered the following resolution:

*Resolved*, That the committee on education be instructed to enquire into the expediency of so amending the present law fixing the fees of county treasurers and auditors that they be allowed one per cent. each for their duties assigned to them in collecting and disbursing the surplus revenue, in lieu of one half per cent.; and report by bill or otherwise;

Which was adopted.

Mr. Berry of Franklin offered the following resolution:

*Resolved*, That the committee appointed to examine the fund commissioners' office be instructed to enquire whether the fund commissioners are in the habit of charging a per diem allowance as bank directors, and for the same days a per diem allowance for services as fund commissioners; and if so, whether there is any law warranting such conduct, and report the facts to the Senate.

Which resolution was adopted.



Mr. Hardin offered the following resolution:

*Resolved*, That the committee on apportionment be instructed to report a bill to the Senate with fifty Senators and one hundred Representatives.

Mr. Davis moved to lay said resolution upon the table; and,

The ayes and noes being called for by Messrs. Buell and Hardin,

*Those who voted in the affirmative are,*

Messrs. Akin, Allison, Barbour, Bowers, Bradbury, Chenowith, Conner, Davis, Edmonson, Hamer, Henry, Herriman, Holloway, Leviston, Miller, Montgomery, Moore, Morgan of Rush, Orth, Parks, Pomeroy, Read, Reyburn, Rockhill, Todd, Verbribe, and Wood—27.

*Those who voted in the negative are,*

Messrs. Berry of Franklin, Berry of Monroe, Buell, Chapman of Daviess, Chapman of Laporte, Ellis, English, Hamrick, Handy, Hardin, Howell, Jones, Lane, Major, Morgan of Decatur, Murphey, Winchell, and Zenor—18.

So said resolution was laid upon the table.

Mr. Montgomery offered the following resolution:

*Resolved*, That the committee on the judiciary be instructed to ascertain what legislation, if any, is necessary relative to the duties of officers relating to the sale of forfeited school lands belonging to the sixteenth section in each township, as well as other lands belonging to the school fund; and report by bill or otherwise.

Which resolution was adopted.

Mr. Chapman of Daviess offered the following resolution:

*Resolved*, That the committee on finance be instructed to enquire into the expediency of exempting from taxation land to the amount of forty acres, owned by persons sixty years old; with leave to report by bill or otherwise.

Mr. Buell moved to amend said resolution by striking out "sixty" and inserting "twenty-one."

Which amendment was adopted; and

The resolution, as amended, was then adopted.

Mr. Morgan of Decatur offered the following resolution:

*Resolved*, That the committee on the judiciary be requested to enquire into the expediency of electing a prosecuting attorney in each county in this State; with leave to report by bill or otherwise.

Which resolution was adopted.

Mr. Berry of Monroe offered the following resolution:

*Resolved*, That a select committee be appointed to enquire into the propriety of providing by law for the re-valuation of school lands which have remained unsold for a term of years, and consequently unproductive to said fund; with leave to report by bill or otherwise.

Which resolution was adopted.

Messrs. Berry of Monroe, Logan, and Zenor were appointed said committee.

Mr. Leviston offered the following resolution:

*Resolved*, That the committee on the judiciary be instructed to enquire into the expediency of extending the criminal jurisdiction of justices of the peace so as to give them concurrent jurisdiction with the circuit courts in all cases of gambling, horse-racing, and violation of the revenue laws; with leave to report by bill or otherwise.

Which resolution was adopted.

Mr. Morgan of Rush offered the following resolution:

*Resolved*, That the committee on agriculture be instructed to report a bill so amending the tenth chapter of the Revised Statutes of 1843, (prescribing the duties of county surveyor,) as to make each individual benefitted by the surveying of any lines, or establishment of any corner or corners, liable for the costs of such survey in proportion to his interest therein;

Which was adopted.

Mr. Cuppy offered the following resolution:

*Resolved*, That the select committee to whom was referred the business of districting the State be instructed to report a bill providing for thirty-eight Senators and seventy-six Representatives.

Mr. Murphey moved to amend by striking out the words "thirty-eight" and "seventy-six," and inserting, "one Senator and two Representatives from each congressional district."

Mr. Chapman of Laporte moved to amend the amendment by adding thereto the words, "the constitution to the contrary notwithstanding."

Which amendment was accepted by Mr. Murphey.

Mr. Edmonson moved to lay said resolution and pending amendments upon the table.

The ayes and noes being called for by Messrs. Cuppy and Rockhill,

*Those who voted in the affirmative are,*

Messrs. Barbour, Berry of Franklin, Berry of Monroe, Bradbury, Chapman of Daviess, Chapman of Laporte, Chenowith, Conner, Davis, Edmonson, Ellis, English, Hamrick, Handy, Hardin, Henry, Holloway, Jones, Lane, Leviston, Major, Miller, Montgomery, Moore, Morgan of Decatur, Pomeroy, Read, Reyburn, Todd, Verbribe, Winchell, Wood, and Zenor—33.



*Those who voted in the negative are,*

Messrs. Akin, Allison, Buell, Cuppy, Goodenow, Hamer, Herriman, Howell, Logan, Morgan of Rush, Murphey, Orth, Parks, and Rockhill—14.

So said resolution and pending amendments were laid upon the table.

The President added the name of Mr. Berry of Monroe to the committee on education.

Mr. Herriman introduced;

No. 26. A bill in relation to the jurisdiction and duties of justices of the peace;

Which was read a first and second times, the rules being suspended, and referred to the judiciary committee.

Mr. Davis introduced,

No. 27. A bill abolishing the July term of the Floyd circuit court;

Which was read, and ordered to a second reading on Monday next.

Mr. Buell introduced,

No. 28. A bill to incorporate the Rising Sun Manufacturing Company;

Which was read a first and second times, the rules being suspended, and referred to the committee on corporations.

Mr. Holloway introduced,

No. 29. A bill to incorporate the Richmond and Little Miami Railroad Company;

Which was read a first and second time, the rules being suspended, and referred to the committee on corporations.

Mr. Murphey introduced,

No. 30. A bill providing for the pay of the judge of the 11th judicial circuit for extra services.

Mr. Chapman of Laporte moved to refer said bill to the committee on claims with instructions to enquire into the expediency of making its provisions general.

Mr. Buell moved to amend the amendment as follows:

"Provided it should appear in evidence that any judge in the State has not received the amount of salary allowed by law."

On motion by Mr. Parks,

Said bill and pending amendments were laid upon the table.

Mr. Cuppy introduced,

No. 31. A bill to raise the fees of grand and petit jurors in certain counties therein named.

Said bill was amended by adding after the word "DeKalb," the names of the following counties, to-wit:

Rush, Grant, Fountain, Marion, Henry, Spencer, Vermillion, Montgomery, Miami, Johnson, Delaware, Tippecanoe, Jefferson,

Clark, Clinton, Wabash, Ripley, Marshall, Fulton, Dearborn, and Ohio.

Said bill was then read a third time, the rules being suspended, and passed.

Mr. Reyburn introduced,

No. 32. A bill to amend the 4th section of the 47th chapter of the Revised Statutes of 1843;

Which was read a first and second times, the rules being suspended, and referred to the committee on the judiciary with instructions to confine its provisions to Miami county.

The following messages were received from the House of Representatives by Mr. Kinder, their Clerk:

MR. PRESIDENT:

I am directed by the House to inform the Senate that the House have passed engrossed bills thereof as follows:

No. 17. A bill for the relief of the heirs of William Pinnick, deceased, of Orange county;

No. 24. A bill to authorize the refunding of taxes in certain cases;

No. 28. A bill for the relief of purchasers of school lands in Harrison and Orange counties;

No. 40. A bill for the relief of certain purchasers of school lands (in Vanderburgh county) therein named;

No. 41. A bill for the relief of Joseph Carpenter;

No. 42. A bill dissolving the bonds of matrimony between Ransom Gabbert and Eliza Jane Gabbert;

No. 46. A bill to change the mode of electing county surveyor in the county of Orange;

No. 48. A bill for the relief of Victor Belan and Lambert Holder of Knox county;

No. 49. A bill to amend the 54th section of 12th chapter of the Revised Statutes, 1843;

In which the concurrence of the Senate is requested.

MR. PRESIDENT:

I am directed by the House to inform the Senate that the House have passed the following resolution:

*Resolved*, That the communication from his Excellency, the Governor, enclosing a communication from Mr. Butler, the agent of a portion of the holders of our State bonds, with accompanying documents, be referred to a select committee, to consist of one member of this House from each judicial circuit, to act jointly with such committee as the Senate may appoint, to take the whole subject of said communications under consideration, and that said committee on the part of this House have leave to report by bill or otherwise.



The Speaker appointed Messrs. Secrest, McCormack, Mooney, Blackwell, Huff, Harvey, Meeker, Taber, Osborn of Laporte, Carr, Tomlinson, and Mickle said committee on the part of the House.

Mr. Verbrike introduced,

No. 33. A bill repealing an act making canal scrip receivable for tolls and water rents on the Wabash and Erie canal, approved February 8, 1843;

Which was read and ordered to a second reading on Monday next.

Mr. Chapman of Laporte introduced,

No. 34. A bill to correct a mistake in a certain act therein named;

Which was read three times, the rules being suspended, and passed.

Mr. Chapman of Daviess introduced,

No. 35. A bill for the relief of the aged and afflicted poor of Indiana;

Mr. Buell moved to amend said bill by striking out the word "sixty" wherever it occurs, and inserting "twenty-one."

Which amendment was not adopted.

Said bill was then read a second time, the rules being suspended, and,

On motion by Mr. Lane,

Said bill was then referred to the committee on finance.

Mr. Berry of Franklin introduced,

No. 36. A bill to vacate part of a State road in Franklin county;

Which was read a first and second times, the rules being suspended, and referred to the committee on roads.

The President laid before the Senate the communication of his Excellency, the Governor, accompanied by a communication from Mr. Butler, the agent of a portion of the holders of our State bonds.

Mr. Edmonson moved to lay said communication of Mr. Butler upon the table, and that 500 copies be printed for the use of the Senate.

Mr. Chapman of Laporte named 1000 copies.

Mr. Lane named 1500 copies.

Mr. Ellis called for a division of the question.

The question then recurring upon laying on the table,

It was decided in the affirmative.

The question then recurring upon printing 1500 copies of said communication,

It was decided in the negative.

The motion to print 1000 copies did not prevail.

The question then recurred upon printing 800 copies;

And the ayes and noes being called for by Messrs. Jones and Chapman of Laporte,

*Those who voted in the affirmative are,*

Messrs. Allison, Barbour, Berry of Franklin, Chapman of Daviess, Chapman of Laporte, Edmonson, English, Goodenow, Hamer, Hamrick, Handy, Herriman, Howell, Jones, Lane, Leviston, Miller, Montgomery, Orth, Pomeroy, Read, and Verbrike—22.

*Those who voted in the negative are,*

Messrs. Akin, Berry of Monroe, Bowers, Bradbury, Buell, Chenowith, Conner, Cuppy, Davis, Ellis, Hardin, Henry, Holloway, Logan, Major, Moore, Morgan of Decatur, Morgan of Rush, Murphey, Parks, Reyburn, Rockhill, Todd, Winchell, Wood, and Zenor—26.

So the motion to print 800 copies did not prevail.

On motion by Mr. Verbrike,

The Senate adjourned until two o'clock, P. M.

*2 o'clock, P. M.*

The Senate met.

On motion by Mr. Chapman of Laporte,

The communication of Mr. Butler was taken from the table.

Mr. Ellis moved to lay the motion to print, (pending at the adjournment), upon the table;

Which motion did not prevail.

Mr. Lane then moved that 500 copies be printed for the use of the Senate.

Mr. Chapman of Laporte named 5000 copies.

The question to print 5000 copies was decided in the negative.

The question then recurring upon printing 500 copies,

The ayes and noes were called for by Messrs. Chapman of Laporte and Howell; and

*Those who voted in the affirmative are,*

Messrs. Akin, Allison, Barbour, Berry of Franklin, Berry of Monroe, Bradbury, Chapman of Daviess, Chenowith, Davis, Edmonson, English, Goodenow, Hamer, Handy, Herriman, Howell, Jones, Lane, Leviston, Major, Montgomery, Moore, Morgan of Rush, Orth, Pomeroy, Read, Reyburn, Verbrike, Wood, and Zenor—30.

*Those who voted in the negative are,*

Messrs. Bowers, Buell, Chapman of Laporte, Ellis, Henry, Holloway, Logan, Miller, Morgan of Decatur, Murphey, Parks, Rockhill, and Winchell—13.



So the motion to print 500 copies prevailed.

Mr. Allison, from the committee on enrolled bills, made the following report:

MR. PRESIDENT:

The committee on enrolled bills, to whom was referred bill No. 4, of the Senate, have compared the enrolled with the engrossed bill and find it correctly enrolled with the omission of the preposition "of" in the seventh line, which correction they have made.

By leave of the Senate,

Mr. Murphey offered the following resolution:

*Resolved*, That his Excellency, the Governor, be requested to lay before the Senate such information as he may have in his possession in relation to Charles Butler, Esq., touching the interest of the bondholders of the State of Indiana, especially, the names and residence of such bondholders as may have employed him, the amount they may respectively hold, as, also, the extent of the power the said Butler may have in the premises.

Mr. Davis moved to lay said resolution on the table;

And the ayes and noes being called for by Messrs. Murphey and Ellis,

*Those who voted in the affirmative are,*

Messrs. Akin, Allison, Barbour, Berry of Franklin, Berry of Monroe, Chapman of Daviess, Chenowith, Davis, Edmonson, English, Handy, Herriman, Howell, Lane, Logan, Miller, Montgomery, Parks, Pomeroy, Read, Rockhill, Verbriek, and Wood—23.

*Those who voted in the negative are,*

Messrs. Bowers, Bradbury, Buell, Chapman of Laporte, Ellis, Goodenow, Hamer, Henry, Holloway, Jones, Leviston, Major, Moore, Morgan of Decatur, Morgan of Rush, Murphey, Orth, Reburn, Winchell, and Zenor—20.

So said resolution was laid upon the table.

On motion by Mr. Edmonson,

The messages from the House of Representatives were then taken up.

Mr. Lane moved to reciprocate the message stating that the communication of Mr. Butler had been referred to a committee of one from each judicial circuit, by appointing a committee of eight to act, on the part of the Senate, with the committee of the House.

Mr. Chapman of Laporte moved to amend by substituting instead of "eight," "one from each judicial circuit."

Which amendment was accepted by the mover;

And the motion, as amended, was then adopted.

Mr. Berry of Franklin moved that the Senate adjourn;

Which motion did not prevail.

No. 17. A bill (of the House) for the relief of the heirs of William Pinnick, deceased, of Orange county;

Read a first and second times, the rules being suspended, and referred to the committee on claims.

No. 24. A bill (of the House) to authorize the refunding of taxes in certain cases;

Read a first and second times, the rules being suspended, and referred to the committee on finance.

Mr. Berry of Franklin moved to adjourn;

Which motion did not prevail.

No. 28. A bill (of the House) for the relief of purchasers of school lands in Harrison and Orange counties;

Read a first and second times, the rules being suspended, and referred to the committee on education.

No. 40. A bill (of the House) for the relief of certain purchasers of school lands in Vanderburgh county therein named;

Read a first and second times, the rules being suspended, and referred to a select committee of Messrs. Lane, English, and Handy.

No. 41. A bill (of the House) for the relief of Joseph Carpenter;

Read a first and second times, the rules being suspended, and laid upon the table.

No. 42. A bill (of the House) dissolving the bonds of matrimony between Ransom Gabbert and Eliza Jane Gabbert;

Read a first and second times, the rules being suspended, and ordered to a third reading on Monday next.

No. 46. A bill (of the House) to change the mode of electing county surveyor in the county of Orange;

Read three times, the rules being suspended, and passed.

No. 48. A bill (of the House) for the relief of Victor Belin and Lambert Holder, of Knox county;

Read a first and second times, the rules being suspended, and referred to the committee on the judiciary.

On motion by Mr. Miller,

The Senate adjourned until Monday morning at nine o'clock.



MONDAY MORNING, DEC. 15, 1845.

The Senate assembled.

The Journal of the preceding day was read.

The President laid before the Senate the communication of the Auditor of State, accompanied by the communication of the superintendent on the New Albany and Vincennes McAdamized road.

On motion by Mr. Ellis,

Said communication was laid upon the table, and 100 copies ordered to be printed.

The President announced the following as the select committee to act upon the part of the Senate with a committee of the House, on the communication of Mr. Butler, to-wit:

Messrs. Lane, Jones, Davis, Berry of Franklin, Hardin, Holloway, Coffin, Reyburn, Chapman of Laporte, Allison, Wood, and Rockhill.

The President added the name of Mr. Murphey to the committee on the judiciary.

Mr. Read presented the petition of William Cross and others, praying for the incorporation of the Grand Lodge of the Independent Order of Odd Fellows for the State of Indiana;

Which was laid upon the table.

Mr. Herriman presented the petition of sundry citizens of Noble county, praying for the re-location of the county seat of said county; which,

On motion by Mr. Herriman,

Was referred to the same select committee to which were referred former petitions on the same subject.

Mr. Handy presented the petition of sundry citizens of Shelby county, praying that no further change be made in the office of school commissioner of said county;

Which was referred to the committee on education.

Mr. Holloway presented the petition of David Ulich and others, in relation to a certain State road therein named;

Which was referred to a select committee of Messrs. Holloway, Murphey, and Leviston.

Mr. Bradbury presented a petition of sundry citizens of Cambridge City, in relation to vacating a street in said city;

Which was referred to a select committee of Messrs. Bradbury, Miller, and Chenowith.

Mr. Cuppy presented the petition of sundry citizens of Noble, Whitley, and Kosciusko counties, on the subject of a State road;

Which was referred to the committee on roads.

Mr. Parks presented the petition of Allen McLean, praying for relief;

Which was laid upon the table.

Mr. Jackson presented the petition of sundry citizens of Madison and the adjoining counties, on the subject of a railroad from Indianapolis to Pendleton;

Which was referred to a select committee of Messrs. Jackson, Lane, and English.

Mr. Holloway presented the petition of William R. Foulke and others, on the subject of a railroad from Richmond to form a junction with a similar work on the Ohio side of the line;

Which was laid upon the table.

Mr. Morgan of Decatur, chairman of the committee on unfinished business, submitted the following report:

MR. PRESIDENT:

The committee on unfinished business, to whom was referred bill of the House (of the last session) No. 231, for the relief of A. Hendricks & Son, have directed me to report the bill to the Senate and ask that it may be referred to the committee on claims, and they be discharged from the further consideration thereof.

Which report was concurred in.

Mr. Morgan of Decatur, from the same committee, submitted the following report:

MR. PRESIDENT:

The committee on unfinished business have directed me to report bill of the Senate (of last session) No. 121, entitled, "A bill to further extend to the State Bank of Indiana the privilege of issuing notes of a less denomination than five dollars," to the Senate, and recommend that it be referred to the committee on the State Bank, and that they be discharged from the further consideration thereof.

Which report was concurred in.

Mr. Buell, chairman of the committee on the State Bank, submitted the following report:

MR. PRESIDENT:

The committee on the State Bank, to whom was referred a resolution to enquire into the expediency of causing delinquent lands to trust funds to be published in the counties where such lands lie, have had the same under consideration, and have directed me to report the following bill and recommend its passage:

No. 37. A bill in relation to advertising certain delinquent lands; Which was read, and ordered to a second reading on to-morrow.



Mr. Berry of Franklin, from a select committee, submitted the following report:

MR. PRESIDENT:

The select committee to whom was referred the petition of C. Huber and others, in relation to the incorporation of a Lutheran church, have had that subject under consideration, and instructed me to report the following bill and request its passage:

No. 38. A bill to incorporate a Lutheran church in Franklin county;

Which was read three times, the rules being suspended, and passed.

Mr. Chapman of Laporte offered the following resolution:

*Resolved*, That the committee on finance be instructed to enquire into the expediency of so amending the revenue laws as to repeal so much thereof as requires county treasurers to attend at the place of holding elections in each township, unless ordered so to do by the board of commissioners;

Which was adopted.

Mr. Miller offered the following resolution:

*Resolved*, That the committee on military affairs be hereby instructed to enquire into the expediency of so altering the militia law that there may hereafter be a more correct report of the strength of the militia returned to the proper authority of this State, so as to enable the State of Indiana to procure all the arms she is entitled to:

And also, if said amendment is thought to be expedient, that said committee shall enquire into the expediency of reporting an amendment to the present militia law, releasing all the colonels, majors, captains, and subalterns of the several regiments, brigades, and companies in this State, from so much of the obligation of their official oaths as requires them to make their several returns of the strength of their respective brigades, regiments, and companies; and report by bill or otherwise.

Which resolution was adopted.

Mr. Buell offered the following resolution:

*WHEREAS*, The right to relinquish parts of real estate (mortgaged to secure the payment of loans to individuals, by which they were enabled to take bank stock) has been exercised by the sinking fund commissioners,

*Be it resolved*, That the judiciary committee be instructed to report a bill prohibiting the relinquishment of a part of any such mortgages, except upon full payment having been previously made;

Which was adopted.

Mr. Berry of Franklin offered the following resolution:

*Resolved*, That the committee on education be instructed to en-

quire what fund it was which was loaned to the Wabash College; whether school fund, saline fund, surplus revenue fund, sinking fund, or from the State treasury; and if these funds are not specifically appropriated to special objects, and by whom the loan was made to the college;

Which was adopted.

Mr. Allison offered the following resolution:

*Resolved*, That the committee on education be instructed to enquire into the expediency of incorporating into the law governing common schools the fifth and sixth sections, chapter four, page 514, of the Revised Statutes of 1843; with leave to report by bill or otherwise;

Which was adopted.

Mr. Henry offered the following resolution:

*Resolved*, That the committee on education enquire into the expediency of praying Congress for a donation of all the unsold lands in this State, (not otherwise donated), the proceeds of which may be applied to common school education.

Which was adopted.

Mr. Ellis offered the following resolution:

*Resolved*, That the committee on the judiciary be instructed to enquire into the expediency of repealing the provision contained in the 141st section of article 5th, of chapter 35, of the Revised Statutes of 1843, that requires apprentices "to be instructed in the general rules of arithmetic, at least to the double rule of three inclusive," and report by bill or otherwise.

Which was adopted.

Mr. Lane introduced,

No. 4. A joint resolution in relation to the lands donated by the General Government to the State of Indiana for the Wabash and Erie canal;

Which was read a first and second times, the rules being suspended, and referred to the committee on canals and internal improvements.

Mr. Ellis moved that the committee on canals and internal improvements be discharged from a further consideration of a petition of a meeting held at Vincennes, and that said petition be referred to a select committee;

Which motion prevailed; and

Messrs. Ellis, Akin, Edmonson, Chenowith, and Reyburn were appointed said committee.

Mr. Logan introduced,

No. 38. A bill relative to the clerks of the circuit courts performing the duties of county auditors;

Which was read a first and second times, the rules being suspended, and referred to the committee on the judiciary.

Mr. Parks introduced,



No. 39. A bill to authorize a settlement between the State and Allen McLean of Morgan county;

Which was read a first and second times, the rules being suspended, and referred to the committee on canals and internal improvements.

Mr. Coffin introduced,

No. 40. A bill supplemental to an act entitled, "An act for the relief of Nathan Burchfield," approved February 11, 1845;

Which was read a first and second times, the rules being suspended, and referred to the committee on claims.

Mr. Jones introduced,

No. 41. A bill for the relief of paupers at county asylums;

Which was read twice, the rules being suspended;

It was moved to amend said bill by excepting from the provisions thereof the following counties, to-wit:

Laporte, Franklin, Fayette, Union, Hendricks, Sullivan, Vigo, Clay, Cass, Miami, Wabash, Scott, Jackson, Decatur, Park, and Tippecanoe.

Mr. Miller moved to lay said bill and pending amendments on the table;

The ayes and noes being called for by Messrs. Jones and Goodenow,

*Those who voted in the affirmative are,*

Messrs. Akin, Berry of Monroe, Bowers, Bradbury, Chapman of Laporte, Chenowith, Coffin, Cuppy, Ellis, Hamer, Hamrick, Hardin, Holloway, Howell, Leviston, Logan, Major, Miller, Morgan of Rush, Murphey, Orth, Reyburn, Rockhill, Todd, Verbribe, Winchell, Wood, and Zenor—28.

*Those who voted in the negative are,*

Messrs. Allison, Barbour, Berry of Franklin, Buell, Chapman of Daviess, Edmonson, English, Goodenow, Handy, Henry, Herriman, Jackson, Jones, Lane, Montgomery, Moore, Morgan of Decatur, Parks, and Read—19.

So said bill and amendments were laid upon the table.

#### ORDERS OF THE DAY.

No. 25. A bill (of the Senate) to repeal the 18th section of chapter four of the Revised Statutes of 1843, and amend the 73d section of the fourth article, chapter 7, of same Statute;

Read a second time and referred to the committee on the judiciary.

No. 33. A bill (of the Senate) repealing an act making canal

scrip receivable for tolls and water rents on the Wabash and Erie canal, approved February 8, 1843;

Read a second time and ordered to a third reading on to-morrow.

No. 24. A bill (of the Senate) to repeal an act approved January 13, 1845, so far as the county of Jackson is concerned;

Read a second time and referred to the committee on elections.

No. 14. A bill (of the Senate) to authorize the qualified voters of this State to vote for or against the calling of a convention for a revision of the constitution of this State;

Read a second time and referred to the committee on the judiciary.

No. 19. A bill (of the Senate) allowing additional compensation to the auditor of Morgan county;

Read a second time and referred to the committee on finance.

No. 20. A bill (of the Senate) to repeal an act to reduce the prices paid for ferriage in Lawrence county, approved January 15, 1844, and to revive the general law;

Read a second and third times, the rules being suspended, and passed.

No. 18. A bill (of the Senate) to authorize the sale of school lands in township two, south of range one west, in the county of Crawford;

Read a second time and ordered to a third reading on to-morrow.

No. 21. A bill (of the Senate) establishing a State road in the counties of Putnam and Clay;

Read a second time and laid on the table.

No. 22. A bill (of the Senate) to extend an act entitled, "An act to revive and amend an act entitled, an act for the relief of settlers on the Wabash and Erie canal lands, approved February 24, 1840," approved January 15, 1845;

Read a second time and referred to a select committee of Messrs. Chapman of Laporte, Coffin, and Reyburn.

No. 15. A bill (of the Senate) to incorporate the Grand Lodge of the Independent Order of Odd Fellows;

Read a second time and referred to the committee on corporations.

No. 16. A bill (of the Senate) authorizing the Church of God meeting on Walnut street in the town of Jeffersonville, to elect trustees and sell their property for the payment of their debts;

Read a second time and ordered to a third reading on to-morrow.

No. 27. A bill (of the Senate) abolishing the July term of the Floyd circuit court;

Read a second time and laid on the table.

#### BILLS ON THEIR THIRD READING.

No. 42. A bill (of the House) dissolving the bonds of matrimony between Ransom Gabbert and Eliza Jane Gabbert;



Read a third time.

The ayes and noes being called for by Messrs. Ellis and Morgan of Decatur, on the passage of said bill,

*Those who voted in the affirmative are,*

Messrs. Akin, Berry of Franklin, Berry of Monroe, Chapman of Daviess, Chapman of Laporte, Cuppy, Edmonson, English, Handy, Hardin, Henry, Herriman, Holloway, Howell, Jackson, Leviston, Logan, Major, Miller, Montgomery, Parks, Read, Winchell, and Wood—24.

*Those who voted in the negative are,*

Messrs. Allison, Bowers, Bradbury, Buell, Chenowith, Coffin, Ellis, Goodenow, Hamer, Hamrick, Jones, Lane, Morgan of Decatur, Morgan of Rush, Murphey, Orth, Pomeroy, Reyburn, Rockhill, Todd, Verbriek, and Zenor—22.

So said bill was passed.

No. 9. A bill (of the Senate) to reduce the fees of pilots, and for other purposes ;

Read a third time.

Mr. Read moved to lay said bill upon the table.

The ayes and noes being called for by Messrs. Buell and Bowers,

*Those who voted in the affirmative were,*

Messrs. Akin, Allison, Barbour, Berry of Monroe, Chapman of Daviess, Chapman of Laporte, Cuppy, English, Hamer, Hardin, Herriman, Holloway, Howell, Jackson, Jones, Lane, Logan, Major, Miller, Parks, Read, Rockhill, Verbriek, Wood, and Zenor—25.

*Those who voted in the negative are,*

Messrs. Berry of Franklin, Bowers, Bradbury, Buell, Chenowith, Davis, Edmonson, Ellis, Goodenow, Hamrick, Handy, Henry, Leviston, Montgomery, Moore, Morgan of Decatur, Morgan of Rush, Murphey, Orth, Pomeroy, Reyburn, Todd, and Winchell—23.

So said bill was laid upon the table.

No. 7. A joint resolution (of the House) instructing our Senators and requesting our Representatives in Congress to procure the passage of a law for the relief of pre-emption settlers on the Miami Reserve ;

Read a third time and passed.

No. 3. A joint resolution (of the Senate) upon the subject of overflowed public lands ;

Read a third time and passed.

The following message was received from the House of Representatives by Mr. Kinder, their Clerk :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House have passed, without amendment, the following engrossed bill of the Senate :

No. 1. A bill for the improvement of roads in certain counties.

The House have also passed the following engrossed bills and joint resolutions thereof :

No. 16. A bill to legalize the official acts of John Nixon, school commissioner of Washington county.

No. 19. A joint resolution on the subject of the inland seas of the western country ;

No. 39. A bill dissolving the bonds of matrimony between James Hays of Perry county and Catharine Hays ;

No. 53. A bill to prescribe the mode of selecting grand and petit jurors in the county of Hendricks ;

No. 54. A bill to change the time of holding the probate courts in the counties of Perry and Harrison ;

No. 56. A bill to amend an act entitled, an act fixing the times of holding circuit courts in the 8th judicial circuit in the State of Indiana ;

No. 59. A bill to provide for the taking, holding and transmitting of real estate by aliens, and for quieting titles to real estate ;

No. 60. A bill repealing an act therein named ;

No. 62. A bill to authorize the trustees of congressional township No. 4 S., in range No. 5 E., in Harrison county, to change the districts therein ;

No. 63. A bill to vacate a part of Water street in the town of Rushville ;

No. 64. A bill for the relief of Peter Everhart and Hezekiah Mitchell, purchasers of school lands in Scott county ;

No. 76. A bill to establish an additional place of holding elections in Jackson township in Washington county ;

No. 73. A bill to provide for the re-appraisal of real estate heretofore appraised and subject to taxation ;

No. 74. A bill to alter the width of a State road from Connersville to St. Omar ;

No. 75. A bill to dissolve the bonds of matrimony between Leonard Crawford and Frances Crawford ;

No. 76. A bill for the benefit of the inhabitants of township one, north of range ten west ;

No. 78. A bill declaring a county road a State road in Clay county ;

No. 80. A bill to dissolve the bonds of matrimony between John G. Keller and Elizabeth Keller ;



No. 84. A bill regulating the fees of petit jurors in Hancock county ;  
In which the concurrence of the Senate is respectfully requested.

No. 2. A bill (of the House) to legalize the acts of James Batman a justice of the peace for Bono township, Lawrence county ;

Read a third time and passed.

The Senate then took up the message from the House of Representatives :

No. 49. A bill (of the House) to amend the 54th section of the 12th chapter of the Revised Statutes of 1843 ;

Read a first time and ordered to a second reading on to-morrow.

No. 16. A bill (of the House) to legalize the official acts of John Nixon, school commissioner of Washington county ;

Read a first and second times, the rules being suspended, and ordered to a third reading on to-morrow.

No. 19. A joint resolution (of the House) on the subject of the inland seas of the western country ;

Read a first and second times, the rules being suspended, and referred to the committee on federal relations.

No. 39. A bill (of the House) dissolving the bonds of matrimony between James Hayes of Perry county and Catharine Hayes ;

Read a first time and ordered to a second reading on to-morrow.

No. 53. A bill (of the House) to prescribe the mode of selecting grand and petit jurors in the county of Hendricks ;

Read a first and second times, the rules being suspended, and laid on the table.

No. 54. A bill (of the House) to change the time of holding the probate courts in the counties of Perry and Harrison ;

Read a first and second times, the rules being suspended, and referred to a select committee of Messrs. Howell, Zenor and Miller.

No. 56. A bill (of the House) to amend an act entitled, "An act fixing the time of holding circuit courts in the 8th judicial circuit in the State of Indiana," approved January 13, 1845 ;

Read a first and second times, the rules being suspended, and referred to a select committee of Messrs. Montgomery, Reyburn and Pomeroy.

No. 59. A bill (of the House) to provide for the taking, holding and transferring of real estate by aliens, and for quieting titles to real estate ;

Read a first and second times, the rules being suspended, and referred to the committee on the judiciary.

No. 60. A bill (of the House) repealing an act therein named ;

Read three times, the rules being suspended, and passed.

No. 62. A bill (of the House) to authorize the trustees of congressional township No. 4 S., in range No. 5 E., in Harrison county to change the districts therein ;

Read three times, the rules being suspended, and passed.

No. 63. A bill (of the House) to vacate a part of Water street in the town of Rushville ;

Read three times, the rules being suspended, and passed.

No. 64. A bill (of the House) for the relief of Peter Everhart and Hezekiah Mitchell, purchasers of school lands in Scott county ;

The bill having been read a first and second times,

Mr. Todd moved to commit said bill to the committee on the judiciary with instructions to make its provisions general.

Mr. Lane moved to lay said motion and instructions on the table ;

Which motion prevailed.

Mr. Allison, from the committee on enrolled bills, made the following report :

MR. PRESIDENT :

The committee on enrolled bills, to whom was referred joint resolutions Nos. 1 and 2 of the Senate, and bills Nos. 2 and 5 of the Senate, have compared the enrolled with the engrossed and find them correctly enrolled, with the exception of substituting the word "version" for "revision" in joint resolution No. 2, which they have corrected.

On motion by Mr. Pomeroy,

The Senate adjourned until two o'clock, P. M.

2 o'clock, P. M.

The Senate assembled.

Mr. English moved a call of the Senate ;

Which was ordered.

All the members appearing in their seats,

The further call was suspended.

On the passage of bill (of the House) No. 64, pending at the adjournment,

The ayes and noes were demanded by Messrs. Davis and Chapman of Laporte ; and,

*Those who voted in the affirmative are,*

Messrs. Akin, Barbour, Berry of Franklin, Berry of Monroe, Chapman of Daviess, Coffin, Edmonson, English, Hamrick, Handy, Hardin, Henry, Herriman, Howell, Jackson, Jones, Lane, Leviston,



Logan, Major, Miller, Morgan of Decatur, Parks, Read, Rockhill, Winchell, and Zenor—27.

*Those who voted in the negative are,*

Messrs. Allison, Bowers, Bradbury, Chapman of Laporte, Cuppy, Davis, Ellis, Goodenow, Hamer, Holloway, Montgomery, Moore, Morgan of Rush, Murphey, Orth, Pomeroy, Reyburn, Verbribe, and Wood—19.

So said bill was passed.

No. 66. A bill (of the House) to establish an additional place of holding elections in Jackson township in Washington county;

Read a first and second times, the rules being suspended, and laid on the table.

No. 73. A bill (of the House) to provide for the re-appraisement of real estate heretofore appraised and subject to taxation;

Read a first and second times, the rules being suspended, and referred to the committee on finance.

No. 74. A bill (of the House) to alter the width of a State road from Connersville to St. Omar;

Read a first and second times, the rules being suspended, and referred to a select committee of Messrs. Morgan of Decatur, Morgan of Rush, and Leviston.

No. 75. A bill (of the House) to dissolve the bonds of matrimony between Leonard Crawford and Frances Crawford;

Read a first time and ordered to a second reading on to-morrow.

No. 76. A bill (of the House) for the benefit of the inhabitants of township one north of range ten west;

Read a first and second times, the rules being suspended, and referred to a select committee of Messrs. Ellis, Allison, and Edmonson.

No. 78. A bill (of the House) declaring a county road a State road in Clay county;

Read three times, the rules being suspended, and passed.

No. 80. A bill (of the House) to dissolve the bonds of matrimony between John G. Keller and Elizabeth Keller;

Read a first time and ordered to a second reading on to-morrow.

No. 84. A bill (of the House) regulating the fees of petit jurors in Hancock county;

Read a first time and ordered to a second reading on to-morrow.

On motion by Mr. Buell,

The Senate adjourned until to-morrow morning, at 9 o'clock.

TUESDAY MORNING, DEC. 16, 1845.

The Senate assembled.

Mr. Berry of Monroe presented the petition of Paris C. Dunning and others in relation to the education of the deaf and dumb.

Which was referred to the committee on education.

Mr. Wood presented the petition of Carey S. Goodrich of Randolph county, praying for relief.

Which was referred to the committee on education.

Mr. Chapman of Daviess presented the petition of Martin Fitzpatrick praying to be paid for work and labor done on the New Albany and Vincennes McAdamized road.

Which was referred to the committee on canals and internal improvements.

Mr. Barbour presented the petition of sundry citizens of Bartholomew county praying for the establishment of an additional place of voting in said county.

Which was referred to a select committee of Messrs. Barbour, Major and Conner.

Mr. Chapman of Laporte, chairman of the committee on the judiciary, submitted the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred resolution of the Senate in relation to probate courts, have had the same under consideration, and, inasmuch as that subject is now before the Legislature in another form, they ask to be discharged from the further consideration of said resolution.

Which report was concurred in.

Mr. Chapman of Laporte, chairman of the same committee, submitted the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred resolution of the Senate upon the subject of the general laws in relation to the granting of divorces, have had the same under consideration, and have directed me to report that legislation in relation thereto is unnecessary, except in individual cases, which, in many instances, call loudly for legislative interference.

Which was concurred in.



Mr. Chapman of Laporte, chairman of the committee on the judiciary, made the following report :

MR. PRESIDENT :

The committee on the judiciary, to whom was referred resolution of the Senate in relation to the conveyance of certain real estate by Reuben Fletcher, have had the same under consideration, and, inasmuch as there is a general bill now before the Senate upon the same subject, I have been directed to report that no further action is necessary on said resolution.

Which report was concurred in.

Mr. Chapman of Laporte, chairman of the committee on the judiciary, submitted the following report :

MR. PRESIDENT :

The committee on the judiciary, to whom was referred bill of the Senate No. 11, "A bill for the relief of Francis Lafontaine," have had the same under consideration, and have directed me to report the same back without amendment and recommend its passage :

No. 11. A bill (of the Senate) for the relief of Francis Lafontaine ;

Which was read a third time and passed.

Mr. Chapman of Laporte, chairman of the committee on the judiciary, submitted the following report :

MR. PRESIDENT :

The committee on the judiciary, to whom was referred bill of the Senate No. 12, "A bill to permit Francis Lafontaine, Catharine Richardville, Lablond Richardville and Susan Richardville to sell and convey real estate," have had the same under consideration, and have directed me to report the same back with one amendment, and upon its adoption, to recommend its passage :

Amend by adding the following after the figures "1841," in the first section, "or any other law of this State."

Which amendment was adopted, and said bill ordered to a third reading on to-morrow.

Mr. Chapman of Laporte, chairman of the committee on the judiciary, submitted the following report :

MR. PRESIDENT :

The committee on the judiciary, to whom was referred bill of the

House of Representatives No. 9, "A bill changing the time of holding probate courts in Allen county," have had the same under consideration, and have directed me to report the same back without amendment and recommend its passage.

Said bill was then read a third time and passed.

Mr. Chapman of Laporte, chairman of the committee on the judiciary, submitted the following report :

MR. PRESIDENT :

The committee on the judiciary, to whom was referred bill of the House of Representatives No. 26, "A bill regulating the jurisdiction of justices of the peace in the counties of Lake and Porter," have had the same under consideration, and have directed me to report the same back without amendment and recommend its passage.

Said bill was read a second time and ordered to a third reading on to-morrow.

Mr. Chapman of Laporte, chairman of the committee on the judiciary, submitted the following report :

MR. PRESIDENT :

The committee on the judiciary, to whom was referred a joint resolution of the House of Representatives No. 1, "A joint resolution reviving in part a certain act therein named," have had the same under consideration, and have directed me to report the same back and recommend its indefinite postponement.

Which report was concurred in.

Mr. Chapman of Laporte, chairman of the committee on the judiciary, submitted the following report :

MR. PRESIDENT :

The committee on the judiciary, to whom was referred bill of the House of Representatives No. 23, "A bill in relation to the bank tax fund," have had the same under consideration, and have directed me to report it back without amendment and recommend its passage.

Said bill was then read a second and third times, the rules being suspended, and passed.

Mr. Chapman of Laporte, chairman of the committee on the judiciary, submitted the following report :



MR. PRESIDENT:

The committee on the judiciary, to whom was referred bill of the Senate No. 32, "A bill to amend the 4th section of the 47th chapter of the Revised Statutes of this State," have, according to order, had the same under consideration, and have directed me to report the same back with two amendments, and, upon their adoption, to recommend its passage:

First amendment. Strike out the first section after the enacting clause and insert the following:

"That in all civil cases the inhabitants of Miami county shall be held to answer any and all process issued against them by any justice of the peace of said county, in any township where the contract on which such action may be founded was made or the cause of action arose."

Second amendment. Change the title so as to read as follows: "A bill regulating the jurisdiction of justices of the peace in the county of Miami."

Which amendments were adopted;

And the bill as amended was then read a third time and passed.

Mr. Logan, from the judiciary committee, submitted the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred a resolution of the Senate instructing said committee to enquire into the expediency of abolishing security on individual contracts, have, according to order, had the same under their consideration, and have directed me to report, that in their opinion it is inexpedient to legislate on that subject, and ask to be discharged from the further consideration thereof.

Which report was concurred in.

Mr. Pomeroy, from the committee on the judiciary, submitted the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred a resolution instructing said committee to enquire into the expediency of assimilating the terms of the various offices for State and counties, with that of the sheriff's office, have had the same under consideration, and instructed me to report that it is inexpedient to legislate upon that subject.

Which report was concurred in.

Mr. Logan, from the judiciary committee, submitted the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred a resolution of the Senate directing said committee to enquire into the expediency of so amending the estray law, that when the owner of any property taken up shall appear before the justice of the peace before whom such estray was posted, and proves the same to be his or her property within eight days from the time of posting the same, and before the justice has made his return to the clerk of the circuit court of the proper county, that such owner shall not be bound to pay over to the justice the sum of one dollar for the use of the State Printer, have had the same under their consideration, and directed me to report the following bill:

No. 43. A bill in relation to taking up estrays;

Which was read a first time and ordered to a second reading on to-morrow.

Mr. Ellis, from the committee on the judiciary, submitted the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred a bill of the House of Representatives No. 48, for the relief of Victor Belan and Lambert Holder, after having had the same under consideration, have instructed me to report the same to the Senate without amendment, with a recommendation that the same be passed.

Said bill was read a second and third times, the rules being suspended, and passed.

Mr. Ellis, from the committee on the judiciary, submitted the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred a bill of the Senate, No. 6, to amend the 45th chapter, article 5th, of the Revised Statutes of 1843, after having had the same under consideration, have instructed me to report the same to the Senate with a recommendation that the same be indefinitely postponed; all of which is respectfully submitted.

Which report was concurred in.



Mr. Ellis, from the committee on the judiciary, submitted the following report:

MR. PRESIDENT:

The committee on the judiciary, in pursuance of instructions of Senate resolution, have directed me to report a bill increasing the pay of grand and petit jurors to the sum of one dollar per day, which bill is herewith presented; said committee have further instructed me to report a recommendation that said bill be indefinitely postponed. All of which is respectfully submitted.

Which report was not concurred in.

No. 44. A bill to increase the pay of grand and petit jurors;

Which was read a first time and ordered to a second reading on to-morrow.

Mr. Winchell, from the committee on the judiciary, submitted the following report:

MR. PRESIDENT:

The judiciary committee, to whom was referred a resolution of the Senate instructing said committee to enquire into the expediency of so amending the law regulating common schools as to authorize township trustees in the several counties in this State to administer all oaths required by law to be administered to the district trustees in their respective townships, have had the same under consideration, and directed me to report, that the committee deem it inexpedient to further legislate upon the subject, and ask to be discharged from the further consideration thereof.

Which report was not concurred in.

On motion by Mr. Berry of Monroe,

Said report and resolution were referred to the committee on education.

The following message was received from the House of Representatives by Mr. Kinder, their Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House have passed the following engrossed bills thereof:

No. 47. A bill to extend an act entitled, "An act to provide for a more efficient mode of expending the road tax in the several counties therein named," approved January 15, 1844, to the counties of Noble and Lagrange;

No. 50. A bill to amend the 1st section of article 1st, chapter 42d of the Revised Statutes;

No. 153. An act for the relief of Felix Ingoldsby.

In which the concurrence of the Senate is respectfully requested.

Mr. Winchell, from the committee on the judiciary, submitted the following report:

MR. PRESIDENT:

The judiciary committee, to whom was referred a resolution of the Senate requesting said committee to enquire into the expediency of electing a prosecuting attorney in each county in the State, have had the same under consideration, and instructed me to report that the committee deem it inexpedient to further legislate upon the subject, and ask to be discharged from the further consideration thereof.

Which report was laid upon the table.

Mr. Barbour, from the committee on the judiciary, submitted the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred bill of the House No. 5, entitled, "A bill declaratory of the meaning of the 29th section of the 1st article of the 4th chapter of the Revised Statutes of 1843," have had the same under consideration, and have instructed me to report that, viewing the Statute proposed to be explained as clearly of the meaning contemplated by said bill, they see no necessity for further legislation on that subject, and therefore recommend the indefinite postponement of said bill.

Which report was not concurred in.

Mr. Ellis moved to recommit said bill with instructions, that the judiciary committee report an additional section providing that the said bill shall only apply to suits hereafter to be instituted.

Mr. Lane moved to lay the motion to recommit and the instructions upon the table.

The ayes and noes being called for by Messrs. Ellis and Barbour,

*Those who voted in the affirmative are,*

Messrs. Akin, Allison, Berry of Franklin, Berry of Monroe, Bowers, Bradbury, Buell, Chapman of Daviess, Coffin, Conner, Edmonson, English, Hamrick, Handy, Hardin, Henry, Herriman, Howell, Jackson, Jones, Lane, Leviston, Major, Miller, Montgomery, Moore, Morgan of Decatur, Parks, Read, Rockhill, Wood, and Zenor—32.



*Those who voted in the negative are,*

Messrs. Barbour, Chapman of Laporte, Davis, Ellis, Goodenow, Holloway, Logan, Morgan of Rush, Murphey, Orth, Pomeroy, Reyburn, Todd, Verbriek, and Winchell—15.

So said motion to recommit, and instructions, were laid upon the table.

The following message was received from the House of Representatives by Mr. Kinder their Clerk:

MR. PRESIDENT:

I am directed by the House to inform the Senate that the House have passed the following engrossed bill thereof:

No. 150. A bill for the relief of the borrowers of the school funds loaned in the several counties;

In which the concurrence of the Senate is respectfully requested.

Mr. Barbour, from the committee on the judiciary, submitted the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred the petition of William S. Prentys praying the passage of an act legalizing the acts of said petitioner in taking acknowledgments of deeds as probate judge, have had that subject under consideration, and have instructed me to prepare and report the accompanying bill, legalizing all such acts done in good faith by any probate judge in this State, and conferring the power upon judges of the several probate courts in this State to take and certify acknowledgments of deeds, &c., and respectfully recommend its passage:

No. 45. A bill authorizing judges of probate courts to take acknowledgments of deeds and other instruments, and for other purposes;

Which was read and ordered to a second reading on to-morrow.

Mr. Holloway, from the committee on the judiciary, submitted the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred a resolution instructing said committee to enquire into the expediency of re-enacting the *ne exeat* laws heretofore in force, with such amendments as may be deemed necessary, have had the same under their consid-

eration, and have directed me to return the same to the Senate, and express it as the opinion of said committee that legislation upon this subject is inexpedient, and ask to be discharged from further attention to the subject.

Which report was laid upon the table.

Mr. Holloway, from the committee on the judiciary, submitted the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred bill of the House No. 25, declaring a misprint in the Revised Statutes of 1843, have examined the same, and inform the Senate that the misprint referred to in said act is corrected in the table of "errata" published in the Revised Statutes, page 23. The committee recommend that said bill be indefinitely postponed, and that they be discharged from the further consideration of the same.

Which report was concurred in.

Mr. Holloway, from the committee on the judiciary, submitted the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred a resolution requiring said committee to enquire into the expediency of extending the criminal jurisdiction of justices of the peace, so as to give them concurrent jurisdiction with the circuit courts in all cases of gambling, horse-racing, cock fighting, shooting for beef, gander pulling, and violations of the revenue laws, with leave to report by bill or otherwise, have had the same under consideration, and have directed me to report the same back to the Senate, and to express the opinion that it is inexpedient to legislate on the subject at this time, and ask to be discharged from the further consideration of the subject.

Which report was not concurred in.

On motion by Mr. Herriman,

Said report and accompanying resolution were referred to the committee on finance.

Mr. Pomeroy, from the committee on the judiciary, submitted the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred bill of the



Senate No. 23, "A bill explanatory of section 163 of chapter 12 of the Revised Statutes of 1843," have had the same under consideration, and requested me to report the same back to the Senate and recommend its indefinite postponement. Said committee have also instructed me to report the accompanying bill and recommend its passage:

Which report was concurred in, and bill No. 23 indefinitely postponed.

No. 46. A bill repealing the law allowing certain fees to county auditors.

It was moved to amend said bill by excepting from the provisions thereof the following counties, to-wit:

Grant, Shelby, Randolph and Rush.

On motion by Mr. Lane,

Said bill and pending amendments were laid upon the table.

Mr. Murphey, from the committee on the judiciary, submitted the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred bill of the Senate No. 10, entitled, "A bill respecting corporations," have had the same under consideration, and have directed me to report the same back and recommend its indefinite postponement.

On motion by Mr. Berry of Franklin,

Said report and bill were laid upon the table.

Mr. Pomeroy, from the committee on the judiciary, submitted the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred a resolution instructing said committee to enquire into the expediency of so amending the law relative to the assessment of taxable property, as to provide that such assessment shall be made by suitable persons, to be appointed by the boards doing county business in the county where the property may be situated, or that such persons may be elected by the qualified voters of each township, and making it the duty of such assessor to meet the tax payers at the usual places of holding elections in their respective townships for the purpose of making such assessment, have had the same under consideration, and requested me to report that legislation upon that subject is unnecessary.

Which report was concurred in.

Mr. Pomeroy, from the committee on the judiciary, submitted the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred bill No. 13, of the House of Representatives, entitled, "An act relative to the probate courts of Jackson and Greene counties," have had the same under consideration, and requested me to report the same back to the Senate with the following amendment, to-wit: Amend by striking out the second and third sections. Said committee recommend the passage of the bill when so amended.

Which report was concurred in.

Said bill was then read a second time and laid upon the table.

Mr. Todd, chairman of the committee on education, submitted the following report:

MR. PRESIDENT:

The committee on education, to whom was referred a resolution of the Senate requiring said committee to enquire into the expediency of so amending the law regulating common schools as to authorize the trustees to subdivide any school district where it may be necessary for the convenience of citizens, have had that resolution under consideration, and have directed me to report that it is inexpedient to legislate upon that subject.

Which report was concurred in.

Mr. Todd, chairman of the committee on education, submitted the following report:

MR. PRESIDENT:

The committee on education, to whom was referred a resolution of the Senate instructing said committee to enquire into the expediency of amending the present laws fixing the fees of the county treasurers and auditors, that they be allowed one per cent. each for their duties, assigned to them in collecting and disbursing the surplus revenue, in lieu of the half per cent., have considered the subject, and have directed me to report that it is inexpedient to legislate on that subject.

Which report was concurred in.

Mr. English, from the committee on the State bank, submitted the following report:



MR. PRESIDENT :

A majority of the committee on the State bank, to whom was referred the memorial of Horace B. Smith, have directed me to report that, in their opinion, it is inexpedient to grant the request of the memorialist, and ask to be discharged from the further consideration of the subject.

On the question of concurring in said report,  
The ayes and noes being called for by Messrs. Jones and English,

*Those who voted in the affirmative are,*

Messrs. Berry of Monroe, Bowers, Bradbury, Buell, Chapman of Daviess, Chenowith, Coffin, Conner, Cuppy, Davis, Ellis, Goodenow, Hamer, Hamrick, Hardin, Leviston, Logan, Montgomery, Morgan of Decatur, Morgan of Rush, Murphey, Parks, Reyburn, Rockhill, Verbriek, Winchell, and Wood—27.

*Those who voted in the negative are,*

Messrs. Akin, Allison, Berry of Franklin, Chapman of Laporte, Edmonson, English, Handy, Henry, Herriman, Holloway, Howell, Jackson, Jones, Lane, Major, Miller, Moore, Orth, Pomeroy, Read, Todd, and Zenor—22.

So said report was concurred in.

Mr. Allison, from the committee on enrolled bills, submitted the following report :

MR. PRESIDENT :

The committee on enrolled bills, to whom was referred bill of the Senate No. 1, have compared the enrolled with the engrossed, and find it correctly enrolled.

On motion by Mr. Herriman,  
The Senate adjourned until two o'clock, P. M.

2 o'clock, P. M.

The Senate assembled.

Mr. Morgan of Decatur, from the committee on unfinished business, submitted the following report :

MR. PRESIDENT :

The committee on unfinished business, to whom was referred bill of the House (of last session) No. 306, entitled, "An act giving further time to the borrowers of the Sinking Fund and other funds of the State to make payment," have directed me to report the same to the Senate and ask that it be referred to the committee on the State bank, and they be discharged from the further consideration thereof.

Which report was concurred in.

No 47. A bill giving to the borrowers of the Sinking Fund and other funds of the State further time to make payment ;

Which was read and referred to the committee on the State bank.

Mr. Berry of Monroe moved to take from the table,

No. 13. A bill (of the House) relative to the probate courts of Jackson and Greene counties ;

Which motion prevailed.

Mr. English then moved to reconsider the vote by which the amendments of the judiciary committee were adopted ;

Which motion prevailed.

And the report of said committee was then concurred in.

On motion by Mr. English,

Said bill was referred to a select committee of Messrs. English, Allison, and Handy.

Mr. Hamer, from the committee on unfinished business, submitted the following report :

MR. PRESIDENT :

The committee on unfinished business, to whom was referred bill of the House No. 288, entitled, "An act to authorize the superintendent of the Wabash and Erie canal to settle with William Sill," have had the same under consideration, and instructed me to report it back to the Senate and recommend that it be referred to the committee on claims.

Which report was concurred in.

No. 48. A bill to authorize the superintendent of the Wabash and Erie canal to settle with William Sill ;

Which was referred to the committee on claims.



Mr. Lane, from a select committee, submitted the following report:

MR. PRESIDENT:

The select committee, to whom was referred a bill for the relief of certain purchasers of school lands in Vanderburgh county therein named, have had the same under consideration, and have directed me to report the same back to the Senate with an amendment, and recommend its passage. Amend as follows:

"SECTION 2. The said school commissioners shall, also, upon a like warrant to be drawn for the same as aforesaid, pay to Willard Carpenter the whole amount of the money heretofore paid by Alvin B. Carpenter and Willard Carpenter, as the purchase money of one half of lot number two hundred and ten in the donation enlargement of Evansville, and also, all interest by them paid on any and all instalments of said purchase money. *Provided*, That no interest shall be paid or allowed upon the purchase money, or interest paid by said Alvin and Willard as aforesaid."

Which report was concurred in.

No. 40. A bill (of the House) for the relief of certain purchasers of school lands, in Vanderburgh county, therein named;

Which was read a second time and ordered to a third reading on to-morrow.

Mr. Berry of Monroe, from a select committee, made the following report:

MR. PRESIDENT:

The select committee, to whom was referred a resolution of the Senate directing them to enquire into the propriety of providing by law for the re-appraisement of certain school lands therein named, have had that subject under consideration, and have directed me to report the following bill and recommend its passage:

No. 49. A bill to authorize the re-appraisement of school lands in certain cases;

Which was read and ordered to a second reading on to-morrow.

Mr. Morgan of Decatur, from a select committee, submitted the following report:

MR. PRESIDENT:

The select committee, to whom was referred bill of the House No. 74, entitled, "An act to alter the width of a State road from Connersville in Fayette county to St. Omar in Decatur county," have directed me to report that it is inexpedient to legislate on the subject,

and ask to be discharged from the further consideration thereof, and recommend the indefinite postponement of the bill.

Which report was concurred in.

Mr. Bradbury, from a select committee, submitted the following report:

MR. PRESIDENT:

The select committee, to whom was referred the petition of sundry citizens of Cambridge City asking that an act should be passed vacating certain streets in said city, have had the same under consideration, and have directed me to report the following bill and recommend its passage:

No. 50. A bill to vacate certain streets in Cambridge City;

Which was read a first and second times, the rules being suspended, and ordered to a third reading on to-morrow.

Mr. Herriman, from a select committee, submitted the following report:

MR. PRESIDENT:

The select committee, to whom was referred sundry petitions on the subject of the county seat of Noble county, have, according to order, had the same under consideration, and directed me to report the following bill and recommend its passage:

No. 51. A bill to provide for the permanent location of the seat of justice of Noble county;

Which was read a first and second times, the rules being suspended, and ordered to a third reading on to-morrow.

Mr. Howell, from a select committee, submitted the following report:

MR. PRESIDENT:

The select committee to whom was referred bill of the House of Representatives, No. 54, "A bill to change the time of holding probate courts in the counties of Perry and Harrison," have had the same under consideration, and have directed me to report the same back with one amendment, and, upon its adoption, to recommend its passage:

Add the following to the end of the last section: "And publication in the Indiana State Sentinel."

Which amendment was adopted.



Said bill was then read a second time and ordered to a third reading on to-morrow.

Mr. Montgomery, from a select committee, submitted the following report:

MR. PRESIDENT:

The select committee, to whom was referred a bill entitled, "An act to amend an act entitled, an act fixing the times of holding circuit courts in the 8th judicial circuit in the State of Indiana," approved January 13, 1845, originating in the House of Representatives, have examined that subject, and have instructed me to report that it is inexpedient to legislate further on the subject, and recommend that the bill be indefinitely postponed.

Which report was concurred in.

Mr. Chapman of Laporte offered the following resolution:

*Resolved*, That Gen. Milton Stapp be permitted to withdraw from the files of the last session of the Senate the settlement sheet between himself and the Agent of State, together with the accompanying papers, upon making out and leaving in their stead certified copies of the same.

Which was adopted.

Mr. Jones offered the following resolution:

*Resolved*, That the committee on roads be instructed to enquire into the expediency of so amending the law as to make the road tax on all real estate payable to the road district in which the real estate is located.

Which was adopted.

Mr. Parks offered the following resolution:

*Resolved*, That the committee on the judiciary be instructed to enquire if there are any amendments necessary to the execution laws where it is made the duty of the officer holding an execution in certain cases to set off the defendant one hundred and twenty-five dollars worth of property, so as to compel him to answer under oath that the property presented to said officer is all he has directly or indirectly, with leave to report by bill or otherwise.

Which was adopted.

Mr. Allison offered the following resolution:

*Resolved*, That a select committee be appointed to enquire into the expediency of providing by law for the improvement of White river below the feeder dam, for the central canal in Morgan county, by the several counties through which the said stream passes, in the same manner that State and county roads are worked and kept up, clearing said stream of all artificial obstructions such as dams,

where the proprietors of the same have not provided locks or suitable slopes so as to admit the free and easy passage of flat and steam boats at all such stages of said stream as could be navigated in the absence of such dams, with leave to report by bill or otherwise.

Which was adopted;

And Messrs. Allison, Parks, and Hamer were appointed said committee.

Mr. Moore offered the following resolution:

*Resolved*, That the committee on the judiciary be instructed to enquire into the expediency of changing and modifying the appraisal laws of the State.

Which was adopted.

Mr. Verbrake offered the following resolution:

*Resolved*, That the committee on corporations be instructed to enquire whether the best interest of the State of Indiana is promoted by incorporating the repealing clause in charters granted to manufacturing companies in this State, with leave to report by bill or otherwise.

Which was adopted.

Mr. Handy offered the following resolution:

*Resolved*, That the Senate will, the House of Representatives concurring therein, adjourn *sine die*, on January the 12th, 1846.

Mr. Chapman of Laporte moved to amend by striking out "12th January, 1846," and inserting "25th of December, 1845."

On motion,

Said resolution and pending amendment were laid upon the table.

Mr. Holloway offered the following resolution:

*Resolved*, That the committee on finance be instructed to report a bill amending the 113th section of chapter 12, page 227, of Revised Statutes of 1843, and other portions of the law relative to selling the fee simple of delinquent lands, so as to make the penalty a certain per centum instead of actual sale, or, at least, to extend the time of redemption for a term of time of at least five years.

Which was adopted.

Mr. Herriman introduced,

No. 52. A bill to amend an act relative to county treasurer;

Which was read a first and second times, the rules being suspended, and referred to the committee on the judiciary.

Mr. Berry of Monroe introduced,

No. 53. A bill to incorporate the Bloomington and Columbus railroad company;

Which was read a first and second times, the rules being suspended, and referred to the committee on corporations.

Mr. Orth introduced,



No. 54. A bill to provide for the continuation of the Madison and Indianapolis railroad to Lafayette;

Which was read a first and second times, the rules being suspended, and referred to the committee on corporations.

Mr. Parks introduced,

No. 55. A bill to compensate supervisors in the county of Morgan;

Which was read a first and second times, the rules being suspended, and ordered to a third reading on to-morrow.

Mr. Cuppy introduced,

No. 56. A bill to improve the roads in the several counties therein named;

Which was read three times, the rules being suspended and passed.

Mr. Jones introduced,

No. 57. A bill authorizing the county commissioners in Fountain county to employ a physician for the benefit of paupers in the asylum in said county;

Which was amended so as to extend its provisions to Jefferson county, and passed.

Mr. Holloway introduced,

No. 58. A bill to amend an act entitled, "An act to incorporate the young men's literary association of Richmond;"

Which was read a first and second times, the rules being suspended, and referred to the committee on corporations.

Mr. Berry of Franklin introduced,

No. 59. A bill to incorporate the Brookville manufacturing company;

Which was read a first and second times, the rules being suspended, and referred to the committee on corporations.

Mr. Berry of Franklin introduced,

No. 60. A bill to correct a misprint in an act entitled, "An act for the relief of the administrators of John Coce, late of Dearborn county, deceased;

Which was read three times, the rules being suspended, and passed.

Mr. Verbribe moved to suspend the rules and take from the table,

No. 53. A bill (of the House) to prescribe the mode of selecting grand and petit jurors in the county of Hendricks;

Which motion prevailed.

Said bill was then read a second and third times, the rules being suspended, and passed.

Mr. Conner moved to suspend the rules and take from the table,

No. 7. A bill (of the Senate) to attach the county of Tipton to the 11th judicial circuit, and to fix the times of holding the courts in said circuit;

Which motion prevailed.

By leave of the Senate,

Mr. Wood offered the following amendment to said bill:

After the second section insert the following:

"SEC. 3. All process made returnable to any of the circuit courts aforesaid at the times heretofore fixed for holding the session thereof, shall be returnable to the first day of the terms of said courts as fixed by this act; and all pleas, complaints, prosecutions, recognizances, actions, or other proceedings, either civil or criminal, which are now pending or which may hereafter be pending, before this act shall take effect, shall be taken up and acted on at the first term of such court to be holden under this act, and be disposed of according to law in the same manner as if no allowance had been made in the time of holding such court."

Which amendment was adopted.

Said bill, as amended, was then passed.

Mr. Morgan of Decatur moved to suspend the rules and take from the table,

No. 9. A bill (of the Senate) reducing the fees of pilots, and for other purposes;

Which motion prevailed.

The ayes and noes being called for by Messrs. Read and Buell on the passage of said bill,

*Those who voted in the affirmative are,*

Messrs. Allison, Berry of Franklin, Bowers, Buell, Chapman of Laporte, Chenowith, Coffin, Conner, Davis, Edmonson, Ellis, Goodenow, Hamer, Hamrick, Handy, Henry, Holloway, Jones, Leviston, Montgomery, Moore, Morgan of Decatur, Morgan of Rush, Murphey, Orth, Pomeroy, Reyburn, Verbribe, Winchell, and Wood—30.

*Those who voted in the negative are,*

Messrs. Akin, Berry of Monroe, Chapman of Daviess, Cuppy, Hardin, Herriman, Howell, Jackson, Major, Miller, Parks, Read, Rockhill, Todd, and Zenor—15.

So said bill was passed.

On motion by Mr. Coffin,

The Senate adjourned till to-morrow morning at nine o'clock.



WEDNESDAY MORNING, DEC. 17, 1845.

The Senate assembled.

The journal of the preceding day having been read,

Mr. Morgan of Decatur moved to reconsider the vote by which No. 74, a bill (of the House) to alter the width of a State road from Connersville to St. Omar was indefinitely postponed;

Which motion prevailed.

Mr. Morgan of Decatur moved to refer said bill to a select committee, with instructions to confine the reduction of said road to Fayette county;

Which motion prevailed;

And Messrs. Morgan of Decatur, Wood and Leviston were appointed said committee.

The following communication from his Excellency, the Governor, was received by Mr. Powers:

MR. PRESIDENT:

I am directed by the Governor to inform the Senate that on yesterday he approved and signed,

An act authorizing and empowering the administratrix of Lyman G. Bellamy, late of Allen county, deceased, to dispose of the personal property of said decedent; also,

An act dissolving the bonds of matrimony between Ann B. Evans and Joseph Evans; also,

A joint resolution upon the subject of improving the Wabash river; also,

An act reducing the salary of the auditor of Sullivan county.

All of which originated in the Senate.

Mr. Reyburn presented the petition of sundry citizens of Cass county in relation to the assignment of canal land certificates;

Which was laid upon the table.

Mr. Murphey presented the petition of a meeting of the Society of Friends in relation to capital punishment;

Which was referred to the same select committee to which former petitions on the same subject were referred.

Mr. Pomeroy presented the petition of Joseph Gregory and others praying for the allowance of certain claims therein named;

Which was referred to the committee on claims.

Mr. Akin, chairman of the committee on finance, submitted the following report:

MR. PRESIDENT:

The committee on finance, to whom was referred bill of the Senate No. 19, entitled, "A bill allowing additional compensation to the auditor of Morgan county," have had the same under consideration, and have instructed me to report it back to the Senate and recommend its passage.

Said bill was ordered to a third reading on to-morrow.

Mr. Handy, from the committee on finance, submitted the following report:

MR. PRESIDENT:

The committee on finance, to whom was referred bill of the House No. 24, entitled, "A bill to authorize the refunding of taxes in certain cases," have had that subject under consideration, and directed me to report it back to the Senate and recommend its passage, and ask to be discharged from the further consideration of the subject.

Which report was concurred in.

Said bill was then ordered to a third reading on to-morrow.

Mr. Pomeroy, from the committee on finance, submitted the following report:

MR. PRESIDENT:

The committee on finance, to whom was referred the resolution instructing said committee to enquire into the expediency of exempting by law from taxation land to the amount of forty acres owned by persons twenty-one years old, have had the same under consideration, and instructed me to report that legislation, at present, is unnecessary upon that subject, and respectfully ask to be discharged from a further consideration of the same.

Which report was concurred in.

Mr. Akin, chairman of the committee on finance, submitted the following report:

MR. PRESIDENT:

The committee on finance, to whom was referred bill of the Senate No. 35, entitled, "A bill for the relief of the aged and afflicted poor of Indiana," have had that subject under consideration, and it is the deliberate opinion of the committee that it is inexpedient to legislate on the subject matter therein contained, and ask to be



discharged from the further consideration thereof, and ask that the bill may be indefinitely postponed.

Said report and bill were laid upon the table.

Mr. Goodenow, from the committee on finance, submitted the following report:

MR. PRESIDENT:

The committee on finance, to whom was referred a resolution of the Senate directing the attention of the committee to so much of the Governor's message as relates to the indebtedness of the State, have directed me to report the same back to the Senate and ask its reference to the joint committee on that subject.

Which report was concurred in.

Mr. Conner, from the committee on finance, submitted the following report:

MR. PRESIDENT:

The committee on finance, to whom was referred a resolution of the Senate, directing them to enquire into the expediency of so amending the revenue laws as to repeal so much thereof as requires county treasurers to attend at the place of holding elections in each township, unless ordered so to do by the board of commissioners, have, according to order, had the same under consideration, and have directed me to report that, in their opinion, it is inexpedient to legislate thereon, and they ask to be discharged from any further consideration of that subject.

Which report was concurred in.

Mr. Davis, from the committee on the judiciary, submitted the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred the petition of Henry Shiner praying for relief, have had the same under consideration, and have directed me to report the following bill, and recommend its passage:

No. 61. A bill for the relief of Henry Shiner;

Which was read a first and second times, the rules being suspended, and laid upon the table.

Mr. Murphey, from the committee on the judiciary, submitted the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred a resolution of the Senate enquiring whether any, and if any, what amendments are necessary to the laws now in force in this State regulating the duties of executors, administrators and guardians, have had the same under consideration, and have directed me to report the following bill and recommend its passage:

No. 62. A bill to amend the laws now in force in this State regulating the duties of executors, administrators and guardians;

Which was read a first time, and ordered to a second reading on to-morrow.

Mr. Murphey, from the committee on the judiciary, submitted the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred a resolution of the Senate directing them to enquire whether the act for the relief of the poor does not require some amendment or change to enable justices of the peace, who are constituted overseers of the poor, to discharge the twofold duties now assigned them, have had that subject under consideration, and have directed me to report the following bill and recommend its passage:

No. 63. A bill for the relief of the poor.

It was moved to amend said bill by excepting from the provisions thereof the following counties, to-wit:

Clark, Noble, Steuben, Whitley, Dekalb, Scott, Jackson, Rush, Vigo, Sullivan, Clay, and Gibson.

On motion by Mr. Berry of Monroe,

Said bill and pending amendments were laid upon the table.

The following message was received from the House of Representatives by Mr. Kinder, their Clerk:

MR. PRESIDENT:

I am directed by the House to inform the Senate that the House have passed the following engrossed bills thereof:

No. 35. A bill to amend the 73d and 74th sections of the 53d chapter of the Revised laws of 1843, relative to trespassing upon the lands of the United States;

No. 29. A bill to restrict the operation of an act entitled, "An act relative to the appointment of county commissioners of the several counties in this State to act as boards of library trustees in their



respective counties, and for other purposes," approved January 6, 1845;

No. 52. An act for the relief of purchasers of canal lands;

No. 58. An act to amend sections 92 and 128, chapter 35, article 4, of the Revised Statutes as far as relates to fees for services of guardians;

No. 72. A bill in relation to appeals and writs of error in writs of habeas corpus;

No. 108. A bill to incorporate the Terre Haute Greys;

No. 96. A bill for the relief of John Drummond;

No. 117. An act to authorize the treasurer of Pike county to act as school commissioner;

No. 89. A bill to amend the Statute regulating the duties of clerks of executors' and administrators' sales;

No. 94. A bill to change the mode of appointing examiners of common school teachers in Orange county;

No. 68. An act to amend section 175, chapter 47, Revised Statutes of 1843, relative to costs in appeals from justices of the peace;

No. 90. A bill for the relief of Thomas Carrico of Knox county;

In which the concurrence of the Senate is respectfully requested.

They have also passed the following engrossed bills of the Senate without amendment:

No. 8. A bill to legalize an election therein named in Crawford county;

No. 13. A bill in relation to the Lawrenceburgh and Napoleon turnpike company.

Mr. Todd, chairman of the committee on education, submitted the following report:

MR. PRESIDENT:

The committee on education, to whom was referred the memorial in relation to the Wabash College, in which memorial the General Assembly is requested to accept certain State bonds in extinguishment of the loan made to the said college in the year 1838, have had that subject under consideration, and have directed me to report that they deem it improper to grant the prayer of the memorial, and ask to be discharged from the further consideration of the subject.

On motion by Mr. Orth,

The Senate adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

The Senate assembled.

Mr. Montgomery moved to refer the memorial and report of Mr. Todd from the committee on education, which were pending at the adjournment, to a select committee;

Which motion did not prevail.

The question then recurring on concurring in the report of said committee,

The ayes and noes were called for by Messrs. Edmonson and Murphey; and

*Those who voted in the affirmative are,*

Messrs. Akin, Allison, Berry of Franklin, Berry of Monroe, Buell, Chapman of Daviess, Cuppy, Edmonson, English, Goodenow, Hamier, Hamrick, Handy, Hardin, Henry, Herriman, Howell, Jackson, Lane, Leviston, Logan, Major, Miller, Montgomery, Morgan of Decatur, Murphey, Parks, Read, Rockhill, Winchell, Wood, and Zenor—32.

*Those who voted in the negative are,*

Messrs. Bowers, Bradbury, Chapman of Laporte, Chenowith, Coffin, Conner, Davis, Ellis, Holloway, Jones, Moore, Morgan of Rush, Orth, Pomeroy, Reyburn, Todd, and Verbriek—17.

So said report was concurred in.

Mr. Miller, from the committee on education, submitted the following report:

MR. PRESIDENT:

The committee on education to whom was referred a resolution of the Senate, enquiring into the expediency of fixing by law the rate of interest on the surplus revenue at six per cent. per annum, in lieu of seven per cent. per annum, have had that subject under consideration, and have directed me to report the following bill and respectfully recommend its passage:

No. 64. A bill to amend the 36th section of the 13th chapter of the Revised Statutes of the State of Indiana;

Mr. Morgan of Rush, moved to reject said bill;

The ayes and noes being called for by Messrs. Murphey and Morgan of Decatur,



*Those who voted in the affirmative are,*

Messrs. Bowers, Bradbury, Chapman of Laporte, Coffin, Conner, Cuppy, Davis, Goodenow, Herriman, Lane, Major, Montgomery, Moore, Morgan of Decatur, Morgan of Rush, Murphey, Orth, Pomeroy, Reyburn, Rockhill, Verbriek, and Winchell—22.

*Those who voted in the negative are,*

Messrs. Akin, Allison, Berry of Franklin, Berry of Monroe, Buell, Chapman of Daviess, Chenowith, Edmonson, Ellis, English, Hamer, Hamrick, Handy, Henry, Holloway, Howell, Jackson, Jones, Leviston, Logan, Miller, Parks, Read, Wood, and Zenor—25.

So said bill was not rejected.

Said bill was then ordered to a second reading on to-morrow.

Mr. Logan, chairman of the committee on claims, submitted the following report:

MR. PRESIDENT:

The committee on claims, to whom was referred the award made out by the commissioners appointed by a special act of the last session of the Legislature to hear evidence and determine what amount, if any, is due Thomas Murphy from the State of Indiana, for work done by him as sub-contractor upon section sixty-four of the White Water canal, have had the same under their consideration, and directed me to report the following bill:

No. 65. A bill for the relief of Thomas Murphy;

Which was read a first time, and ordered to a second reading on to-morrow.

Mr. Buell, chairman of the committee on the State Bank, submitted the following report:

MR. PRESIDENT:

The committee on the State Bank have directed me to report the following bill extending time to the borrowers of the Sinking Fund; also, as there has been an investigating committee appointed on the subject of the acts generally of the Sinking Fund Commissioners, to return the Sinking Fund report, that it may be referred to the said select committee.

Which report was concurred in.

No. 66. A bill to extend further time to the borrowers of the Sinking Fund;

Which was read a first time, and ordered to a second reading on to-morrow.

Mr. Edmonson, chairman of the committee on corporations, submitted the following report:

MR. PRESIDENT:

The committee on corporations, to whom was referred bill of the Senate No. 15, "A bill to incorporate the Grand Lodge of the Independent Order of Odd Fellows of the State of Indiana," have had the same under consideration, and have directed me to report it back to the Senate with two amendments, and, on their adoption, to recommend its passage:

First amendment. Amend the first section by adding before the proviso these words, "not repugnant to the constitution and laws of the State."

Second amendment. Strike out the second section.

On the question to concur in said report,

The ayes and noes being called for by Messrs. Holloway and Herriman,

*Those who voted in the affirmative are,*

Messrs. Akin, Allison, Berry of Franklin, Berry of Monroe, Buell, Chapman of Daviess, Chapman of Laporte, Cuppy, Edmonson, English, Goodenow, Hamrick, Handy, Hardin, Henry, Herriman, Howell, Jackson, Jones, Lane, Leviston, Logan, Major, Miller, Montgomery, Moore, Morgan of Decatur, Morgan of Rush, Orth, Parks, Pomeroy, Read, Verbriek, and Zenor—34.

*Those who voted in the negative are,*

Messrs. Bowers, Bradbury, Chenowith, Coffin, Conner, Davis, Ellis, Hamer, Holloway, Murphey, Reyburn, Rockhill, Todd, Winchell, and Wood—14.

So said report was concurred in.

Said bill was then read a third time, the rules being suspended, and passed.

Mr. Morgan of Decatur offered the following resolution:

*Resolved*, That the superintendent of the Wabash and Erie canal be requested to make his annual report immediately to the Senate.

Mr. Herriman moved to amend by striking out "immediately," and insert "as soon as convenient."

Which motion did not prevail.

Said resolution was then adopted.



Mr. English offered the following resolution :

*Resolved*, That the committee on roads be instructed to enquire what amendment, if any, is necessary to the road law compelling tax payers to have the supervisor's receipt before he, the tax payer, can pay any of his tax to the treasurer, and report by bill or otherwise.

Which resolution was adopted.

Mr. Lane offered the following resolution :

*Resolved*, That the Governor be respectfully requested to transmit to the Senate, at the earliest convenient time, any information that he may be in possession of, touching the survey and location of the Wabash and Erie canal from Terre Haute to Evansville ; and that he be further requested to transmit to the Senate, as soon as he may have it in his power to do so, the result of the selection of lands made in conformity with a law of Congress granting to the State of Indiana certain lands therein named, number of acres, rate, and value thereof.

Which resolution was adopted.

By Leave of the Senate,

Mr. Herriman introduced,

No. 67. A bill to apportion Senators and Representatives for the next five years ;

Which was read a first and second times, the rules being suspended, and laid upon the table, and 100 copies thereof ordered to be printed for the use of the Senate.

On motion by Mr. Handy,

The Senate adjourned until to-morrow morning, at 9 o'clock.

---

THURSDAY MORNING, DEC. 18, 1845.

The Senate assembled.

The Journal of the preceding day having been read,

The President laid before the Senate the following communication from the Superintendent of the Wabash and Erie canal :

INDIANAPOLIS, DEC. 18, 1845.

HON. G. S. ORTH,

*President of the Senate :*

SIR—I learn that a resolution passed the Senate requiring me to report, *instantly*, the operations of the Wabash and Erie canal during the past year.

I would, through you, say to that Honorable body that I have just finished the report, and this morning laid it before the Honorable the House of Representatives, that body having made the first call. As soon, however, as a copy can be procured from the printer, it will, without delay, be laid before the Senate.

I remain, very respectfully,

E. F. LUCAS.

Mr. Morgan of Decatur presented the petition of sundry citizens of Decatur county in relation to summoning jurors ;

Which was referred to a select committee of Messrs. Morgan of Decatur, Akin, and Berry of Monroe.

Mr. Buell presented the petition of sundry citizens of Dearborn county on the subject of a road therein named ;

Which was referred to a select committee of Messrs. Buell and Bowers.

The following message from the House of Representatives, was received by Mr. Kinder, their Clerk :

MR. PRESIDENT :

The Speaker of the House has signed the following enrolled bills thereof :

No. 42. An act dissolving the bonds of matrimony between Ransom Gabbert and Eliza Jane Gabbert ;

No. 44. A joint resolution on the subject of the Michigan City harbor ;

No. 78. An act declaring a certain county road a State road in Clay county ;

No. 7. A joint resolution instructing our Senators and requesting our Representatives in Congress, to procure the passage of a law for the relief of pre-emption settlers on the Miami reserve ;

No. 63. An act to vacate a part of Water street in the town of Rushville in the county of Rush ;

No. 60. An act to repeal an act therein named ;

No. 62. An act to authorize the trustees of congressional township number four south, in range five east, in Harrison county, to subdivide and change the school district in said township ;

No. 38. An act to dissolve the matrimonial ties existing between Patsey Hubbard and Malichi Hubbard her husband, and to author-



ize the entering of a *nolle prosequi* on a certain indictment against said Patsey;

No. 46. An act to change the mode of electing county surveyor in the county of Orange;

No. 64. An act for the relief of Peter Everhart and Hezekiah Mitchell, purchasers of school lands in the county of Scott;

No. 2. An act to legalize the acts of James Batman, a justice of the peace for Bono township, Lawrence county;

No. 34. A bill to vacate the town of New Charlestown in the county of Jay, Indiana;

No. 20. A joint resolution in relation to the claims of Col. Francis Vigo, late a citizen of Knox county, Indiana;

Which I am directed to bring to the Senate for the signature of the President thereof.

Mr. Conner, from the committee on finance, submitted the following report:

MR. PRESIDENT:

The committee on finance, to whom was referred a resolution of the Senate instructing them to report a bill amending the 113th section of chapter 12 of the Revised Statutes of 1843, and other portions of the law relating to selling the fee-simple of delinquent lands so as to make the penalty a certain per centage instead of actual sale, or, at least to extend the time of redemption for a term of time at least five years, have directed me to report the following bill and recommend its passage:

No. 68. A bill to amend the revenue laws;

Which was read a first time and ordered to a second reading on to-morrow.

Mr. Todd, chairman of the committee on education, submitted the following report:

MR. PRESIDENT:

The committee on education, to whom was referred bill of the House of Representatives No. 28, in relation to the relief of purchasers of school lands in Harrison and Orange counties, have considered the same, and have directed me to report the bill back to the Senate with the following amendment: Strike out of the fifth section all of the said section which relates to the saline lands, whereby the said section, as amended, will read as follows, (here insert it;) with which amendment the committee respectfully recommend the passage of the bill.

Which report was not concurred in.

On motion by Mr. Reyburn,

The vote by which said report was not concurred in was reconsidered.

The question then recurring upon concurring in said report,

The ayes and noes were called for by Messrs. Chapman of Laporte and Zenor; and,

*Those who voted in the affirmative are,*

Messrs. Allison, Berry of Monroe, Chapman of Daviess, Chenowith, Coffin, Edmonson, English, Hamer, Handy, Hardin, Henry, Howell, Jackson, Jones, Lane, Leviston, Logan, Miller, Parks, Todd, and Zenor—21.

*Those who voted in the negative are,*

Messrs. Bowers, Bradbury, Buell, Chapman of Laporte, Conner, Cuppy, Ellis, Goodenow, Hamrick, Herriman, Holloway, Major, Montgomery, Moore, Morgan of Decatur, Morgan of Rush, Murphey, Orth, Pomeroy, Reyburn, Rockhill, Verbriek, Winchell, and Wood—24.

So said report was not concurred in.

Said bill was then referred to a select committee of Messrs. English, Zenor and Miller.

The following communication from his Excellency, the Governor, was received by Mr. Powers:

MR. PRESIDENT:

I am directed by the Governor to inform the Senate that on yesterday he approved and signed,

An act for the improvement of roads in certain counties;  
Which originated in the Senate.

Mr. Handy, from the committee on education, made the following report:

MR. PRESIDENT:

The committee on education, to whom was referred a resolution enquiring into the expediency of authorizing and directing the Treasurer of State to receive of and from the State bank that portion of the bank tax fund to be appropriated to the use of schools, have had that subject under consideration, and have directed me to report that the object is effected in a bill now pending in the Senate, and ask to be discharged from the further consideration of the subject.



Which report was concurred in.

Mr. Parks, from the committee on education, submitted the following report:

MR. PRESIDENT:

The committee on education, to whom was referred a resolution on the subject of more fully defining what compensation the several county auditors and school commissioners shall receive for their services in managing the school funds of their respective counties, have had that subject under consideration, and have directed me to report, that legislation on that subject at present is inexpedient, inasmuch as the committee are of opinion that the act of last winter is explicit on that subject; and your committee would ask to be discharged from the further consideration thereof.

Which report was concurred in.

Mr. Zenor, from the committee on education, made the following report:

MR. PRESIDENT:

The committee on education, to whom was referred a resolution to enquire into the expediency of abolishing the office of school fund commissioner in the several counties of the State, have had that subject under consideration, and have directed me to report that it is inexpedient to legislate on that subject at this time.

Which report was concurred in.

Mr. Murphey, from the committee on education, made the following report:

MR. PRESIDENT:

The committee on education, to whom was referred the memorial of Carey Goodrich, of the county of Randolph, praying for the passage of an act authorizing the school commissioner of said county to convey certain real estate therein named, and for other purposes, have had the same under consideration, and have directed me to report that it is inexpedient to legislate thereon, and ask to be discharged from the further consideration thereof.

Which report was concurred in.

Mr. Handy, from the committee on education, submitted the following report:

MR. PRESIDENT:

The committee on education, to whom was referred the petition of the citizens of Shelby county praying that no further change shall be made in the office of school commissioner in that county, have had that matter under consideration, and have directed me to report it back to the Senate and ask that it should be laid on the table, and ask to be discharged from the further consideration of the subject.

Which report was concurred in.

Mr. Todd, chairman of the committee on education, made the following report:

MR. PRESIDENT:

The committee on education, to whom was referred the petition of Willis C. Wilmore, asking relief in relation to the subject of certain school lands purchased by said Wilmore, have considered that subject, and direct me to report it inexpedient to legislate in relation to the case, and ask to be discharged from the further consideration thereof.

Which report was concurred in.

Mr. Todd, chairman of the committee on education, made the following report:

MR. PRESIDENT:

The committee on education, to whom was referred a resolution of the Senate relating to the moral and religious improvement of convicts confined in the Indiana State Prison, have considered the same, and have directed me to report the same back to the Senate, and request that the same be referred to the committee on the State Prison.

Which report was concurred in.

Mr. Montgomery, from the committee on education, submitted the following report:

MR. PRESIDENT:

The committee on education to whom was referred the resolution asking for information relative to the fund borrowed by the trustees of the Wabash college, have had that subject under consideration, and directed me to report the same back to the Senate, believing further action on that subject unnecessary, as it is presumed the



Senate is, after the discussion had on yesterday, sufficiently advised on that subject, and ask to be discharged from further considering the same.

Which report was concurred in.

Mr. Goodenow, chairman of the committee on roads, made the following report:

MR. PRESIDENT:

The committee on roads, to whom was referred a resolution of the Senate directing an enquiry into the expediency of repealing so much of the road law as authorizes the several county boards to assess a road tax, except so far as it relates to non-residents, have had the subject under consideration, and have directed me to report that, in the opinion of the committee, it is inexpedient to legislate on the subject.

Which report was concurred in.

Mr. Goodenow, chairman of the committee on roads, submitted the following report:

MR. PRESIDENT:

The committee on roads, to whom was referred a resolution of the Senate instructing the committee to enquire into the expediency of authorizing county boards to determine the width of roads, have had the same under consideration, and have directed me to report that it is inexpedient to legislate on the subject.

Which report was concurred in.

Mr. Logan, chairman of the committee on claims, submitted the following report:

MR. PRESIDENT:

The committee on claims, to whom was referred bill of the House No. 17, entitled, "An act for the relief of the heirs of William Pin-nick, deceased, of Orange county," have, according to order, had the same under consideration, and have instructed me to report the same back to the Senate with one amendment, which is, to strike out of the 1st section of the bill the words, "eighty-four dollars and seventy-five cents," and insert in lieu thereof the words "twenty-five dollars;" with this amendment the committee recommend the passage of the bill.

Which report was concurred in.

Said bill was then read a third time, the rules being suspended, and passed.

Mr. Edmonson, chairman of the committee on corporations, submitted the following report:

MR. PRESIDENT:

The committee on corporations, to whom was referred bill of the Senate No. 53, "A bill to provide for the continuation of the Madison and Indianapolis railroad to Lafayette," have had the same under consideration, and have directed me to report the same back to the Senate with two amendments, and, on their adoption, to recommend its passage:

First amendment. Amend the first section by adding the following proviso:

"*Provided, however,* That said company shall not enjoy the privileges granted by the 46th section of the above recited act."

Second amendment. "The Legislature reserves the right to alter, amend, or repeal this charter at pleasure."

Mr. Orth called for a division of the question.

The question then recurring on the adoption of the first amendment proposed,

The ayes and noes were called for by Messrs. Orth and Edmonson; and,

*Those who voted in the affirmative are,*

Messrs. Barbour, Berry of Franklin, Chapman of Daviess, Chapman of Laporte, Cuppy, Edmonson, English, Hamer, Handy, Hardin, Henry, Herriman, Howell, Jackson, Jones, Lane, Leviston, Logan, Major, Miller, Parks, Read, Rockhill, Todd, Wood, and Zenor—26.

*Those who voted in the negative are,*

Messrs. Akin, Allison, Berry of Monroe, Bowers, Bradbury, Buell, Chenowith, Coffin, Conner, Davis, Ellis, Goodenow, Hamrick, Holloway, Montgomery, Moore, Morgan of Decatur, Morgan of Rush, Murphey, Orth, Pomeroy, Reyburn, and Winchell—23.

So said amendment was adopted.

On motion by Mr. Akin,

Said bill and accompanying amendments were then laid upon the table.

Mr. Edmonson, chairman of the committee on corporations, made the following report:



MR. PRESIDENT :

The committee on corporations, to whom was referred bill of the Senate No. 52, "A bill to incorporate the Bloomington and Columbus railroad company," have had the same under consideration, and have directed me to report the same back to the Senate with two amendments, and, on their adoption, to recommend its passage :

Amend first section by adding the following :

"*Provided*, That said company shall not enjoy the privileges granted by the 46th section of the above recited act."

*Second*. Add the following section :

"The Legislature reserves the right to amend, alter, or repeal this charter at pleasure."

Which report was concurred in.

On motion by Mr. Jones,

Said bill was then laid upon the table.

Mr. Handy, from the committee on corporations, made the following report :

MR. PRESIDENT :

The committee on corporations, to whom was referred bill No. 59, entitled, "A bill to incorporate the Brookville manufacturing company," have had that subject under consideration, and have directed me to report it back to the Senate and recommend its passage.

Said bill was read a second and third times, the rules being suspended, and passed.

Mr. Berry of Franklin, from the committee on corporations, made the following report :

MR. PRESIDENT :

The committee on corporations, to whom was referred a bill entitled, "A bill to incorporate the Richmond and Little Miami railroad company," have had that subject under consideration, and directed me to report it back with one amendment, and, when adopted, recommend its passage.

Add "SEC.—. The directors of said company that shall contract any debts over and above the amount of good and solvent stock subscribed, shall be individually liable for the payment of such excess; and the Legislature reserves the right to alter or amend this charter at any time, and to repeal the same whenever its provisions shall have been violated by said company."

Which report was concurred in.

On motion by Mr. Holloway,

Said bill was amended by striking out the word "Little" wherever it occurs before the word "Miami."

Said bill was then ordered to a third reading on to-morrow.

Mr. Akin, from the committee on corporations, made the following report :

MR. PRESIDENT :

The committee on corporations, to whom was referred bill of the Senate No. 58, entitled, "A bill to amend an act entitled, an act to incorporate the young men's literary association of Richmond," have had the same under consideration, and have instructed me to report the same back to the Senate and recommend its passage.

Said bill was read a third time, the rules being suspended, and passed.

Mr. Morgan of Decatur, from the committee on claims, submitted the following report :

MR. PRESIDENT :

The committee on claims, to whom was referred an act to authorize the superintendent of the Wabash and Erie canal to settle with William Sill, have had the subject under consideration, and directed me to report that, in their opinion, legislation is unnecessary, and ask to be discharged from the further [consideration] thereof, and recommend the indefinite postponement of the bill.

On motion by Mr. Montgomery,

Said report and bill were laid upon the table.

Mr. Holloway, from a select committee, made the following report :

MR. PRESIDENT :

The select committee, to whom was referred several petitions upon the subject of abolishing capital punishment, have had the same under their consideration, and have directed me to report the following bill, and respectfully recommend its passage :

No. 69. A bill abolishing capital punishment;

Which was read a first time and ordered to a second reading on to-morrow.

Mr. Leviston, from a select committee, made the following report :



## MR. PRESIDENT:

The select committee, to whom was referred a bill of the House No. 74, entitled, "A bill to alter the width of a State road from Connersville to St. Omar," have had that subject under consideration, made one amendment thereto, and directed me to report the same back to the Senate and, when concurred in, to respectfully recommend its passage:

Amend as follows: Add to the end of the first section the words "So far as the said road passes through Fayette county."

Which report was concurred in.

Said bill was then read a third time, the rules being suspended, and passed.

Mr. Berry of Monroe offered the following resolution:

*Resolved*, That the judiciary committee be requested to enquire into the propriety of making it the duty of persons applying to the Legislature for divorces, to give public notice of such intention, where one or both of the parties reside, previous to such application being made; with leave to report by bill or otherwise.

Which resolution was adopted.

Mr. Hamer offered the following resolution:

*Resolved*, That the State Printer be requested to furnish, as soon as convenient, each Senator with a copy of the report of the superintendent of the Wabash and Erie canal.

Which was adopted.

Mr. Lane offered the following resolution:

*Resolved*, That the select joint committee on the subject of the communication from the Governor in relation to our foreign bondholders, have permission to employ a clerk for said committee.

Mr. Chapman of Laporte moved to amend by striking out all from the resolving clause and insert the following:

"That the joint committee on the part of the Senate, to act with a similar committee on the part of the House of Representatives, to whom was referred a communication from his Excellency, the Governor, enclosing a communication from Charles Butler, Esq., be instructed to report to the Senate what evidence the said Butler has produced to them of his authority to act on behalf of the holders of the bonds of the State of Indiana."

The following message was received from the House of Representatives by Mr. Kinder, their Clerk:

## MR. PRESIDENT:

I am directed by the House of Representatives to inform the

Senate that the House have passed the following engrossed bills thereof:

No. 101. An act to change the name of Edward C. Hawkins and Edward Messeth;

No. 124. An act to change the time of summoning petit jurors to appear in the circuit court for Vigo county, and for other purposes;

No. 132. An act to legalize the election of Russell Mitchell, justice of the peace in Pleasant Run township, Lawrence county;

No. 97. An act to locate a State road in Tippecanoe county;

No. 98. An act to vacate part of the addition to the town of New Plymouth, in Marshall county;

No. 100. A bill to amend an act entitled, an act to change the time of holding probate courts in Martin county, [approved] January 13, 1845;

No. 113. An act to change the time of holding courts in Adams county.

In which the concurrence of the Senate is respectfully requested.

They have also passed without amendment bill of the Senate,

No. 34. A bill to correct a mistake in a certain act therein named.

On motion by Mr. Edmonson,

The Senate adjourned until two o'clock, P. M.

2 o'clock, P. M.

The Senate met.

Mr. Edmonson moved to lay upon the table the resolution and amendment pending at the adjournment;

Which motion prevailed.

Mr. Lane moved to take from the table the resolution introduced some days ago by Mr. Murphey, calling upon his Excellency, the Governor, for information concerning Mr. Butler touching the interest of the bondholders of the State of Indiana;

Which motion prevailed;

And said resolution was then adopted.

The President laid before the Senate the following communication from his Excellency, the Governor:

*To the President of the Senate:*

SIR—In compliance with a resolution of the Senate of the 17th



inst., requesting the transmission to the Senate, at the earliest convenient time, of any information that may be in my possession, touching the survey and location of the Wabash and Erie canal from Terre Haute to Evansville, I herewith enclose an "Abstract of all the claims against the State pertaining to the survey and location of the Wabash and Erie canal made by R. H. Fauntleroy in 1845," marked A; a statement in detail of expenditures and unpaid claims incident to the same survey, marked B; the bills in favor of R. H. Fauntleroy, W. J. Ball, S. C. Bradford, M. Riley, Allison & Allison, J. S. Freeman, G. Depriest, G. Prince, and W. Hawthorn, incident to the same matter, and marked C, D, E, F, I, J, K, and L, respectively; and two packages of vouchers or receipts growing out of the same business accompanying the accounts of Mr. Fauntleroy and Mr. Bradford respectively. This comprises all the information which I now have of an official character contemplated by the resolution. The residue when obtained, of which I have early expectation, will be promptly communicated.

Very respectfully,

Your obedient servant,

JAS. WHITCOMB.

The President laid before the Senate the annual report of the superintendent of the Wabash and Erie canal;

Which was laid upon the table.

Mr. Morgan of Decatur moved to take from the table a resolution in relation to prosecuting attorneys;

Which motion prevailed; and

Said resolution was then referred to a select committee of Messrs. Morgan of Decatur, Zenor and Logan.

Mr. Hardin offered the following resolution:

*Resolved*, That the committee on the judiciary be instructed to enquire whether any law is necessary to legalize the election of county auditors in August last, as suggested on the 48th page of the report of the Auditor of State; with leave to report by bill or otherwise.

Which resolution was adopted.

Mr. English offered the following resolution:

*Resolved*, That the Senate will, the House concurring therein, proceed, on Friday the 19th inst., at 2 o'clock, to elect two bank directors of the State bank, to fill the vacancy occasioned by the resignation of the Hon. A. C. Pepper, also, the vacancy occasioned by the expiration of the term of Mr. J. Walker.

Which was adopted.

Mr. Read offered the following resolution:

*Resolved*, That the Auditor of State be requested to inform the

Senate the reason, if any he has, why no tract book has been furnished to the county of Clark, agreeable to a law heretofore passed, and whether the former Auditor has not received pay for making out said tract book.

Which was adopted.

By Leave of the Senate,

Mr. Akin presented the petition of L. H. Scott, praying for relief; Which was referred to a select committee of Messrs. Akin, Buell and Hamer.

Mr. Hamrick introduced,

No. 79. A bill reducing the salary of the auditor of Putnam county;

Which was read a first time and ordered to a second reading on to-morrow.

Mr. Moore introduced,

No. 71. A bill to incorporate the Crawfordsville and Wabash railroad company;

Which was read a first and second times, the rules being suspended, and referred to the committee on corporations.

Mr. Leviston introduced,

No. 72. A bill to amend an act entitled, an act abolishing the office of county auditor in certain counties therein named;

Which was read a first and second times, the rules being suspended, and ordered to be engrossed and read a third time on to-morrow.

By leave of the Senate,

Mr. Buell introduced,

No. 5. A joint resolution on the subject of the Oregon boundary; Which was read a first time and ordered to a second reading on to-morrow.

By leave of the Senate,

Mr. Reyburn, from a select committee, submitted the following report:

MR. PRESIDENT:

The select committee, to whom was referred a petition of sundry citizens praying for a railroad charter from Peru, in Miami county, to intersect the Madison and Indianapolis railroad at Indianapolis, in Marion county, have had the same under consideration, and have directed me to report the following bill and recommend its passage:

No. 73. A bill to incorporate the Peru and Indianapolis railroad company;

Which was read a first and second times, the rules being suspended, and referred to the committee on corporations.

Mr. Parks introduced,



No. 74. A bill defining the manner of selecting petit jurors in Morgan county;

Which was read three times, the rules being suspended, and passed.

Mr. Handy introduced,

No. 75. A bill in relation to the northern division of the Central canal;

Which was read a first and second times, the rules being suspended, and referred to the committee on canals and internal improvements.

Mr. Herriman introduced,

No. 76. A bill to amend an act relative to the school fund in Lagrange county;

Which was read a first and second times, the rules being suspended, and referred to the committee on education.

Mr. Chapman of Laporte introduced,

No. 77. A bill in relation to the duties of county treasurers in the counties of Laporte, Porter and Lake;

On motion by Mr. Reyburn,

Said bill was so amended as to extend its provisions to Miami county.

Said bill was then ordered to a third reading on to-morrow.

Mr. Allison, from the committee on enrolled bills, made the following report:

MR. PRESIDENT:

The committee on enrolled bills, to whom was referred enrolled bills of the Senate Nos. 5 and 13, have compared the enrolled with the engrossed, and find them correctly enrolled.

#### ORDERS OF THE DAY.

No. 19. A bill (of the Senate) allowing additional compensation to the auditor of Morgan county;

Read a third time and passed.

No. 18. A bill (of the Senate) to authorize the sale of school lands in township two, south of range one west, in the county of Crawford;

Read a third time and passed.

No. 12. A bill (of the Senate) to remove the disability of Francis Lafontaine, Catharine Richardville, La Blond Richardville and Susan Richardville to sell and convey real estate;

Read a third time and passed.

No. 16. A bill (of the Senate) authorizing the Church of God, meeting on Walnut street, in the town of Jeffersonville, to elect trustees and sell their property for the payment of their debts;

Read a third time and passed.

No. 50. A bill (of the Senate) to vacate certain streets in Cambridge City;

Read a third time and passed.

No. 51. A bill (of the Senate) to provide for the permanent location of the seat of justice of Noble county;

Read a third time and passed.

No. 33. A bill (of the Senate) repealing an act making canal scrip receivable for tolls and water rents on the Wabash and Erie canal;

Mr. Lane moved to lay said bill upon the table;

The ayes and noes being called for by Messrs. Chapman of Laporte and Murphey,

*Those who voted in the affirmative are,*

Messrs. Akin, Allison, Chapman of Daviess, Chenowith, Coffin, Edmonson, English, Hamer, Hamrick, Jackson, Jones, Lane, Miller, Montgomery, Moore, Parks, and Read—17.

*Those who voted in the negative are,*

Messrs. Berry of Franklin, Bowers, Bradbury, Buell, Chapman of Laporte, Conner, Cuppy, Davis, Ellis, Goodenow, Handy, Hardin, Henry, Herriman, Holloway, Howell, Leviston, Logan, Major, Morgan of Decatur, Morgan of Rush, Murphey, Orth, Pomeroy, Reyburn, Rockhill, Todd, Verbriek, Winchell, Wood, and Zenor—31.

So said bill was not laid upon the table.

The ayes and noes being called for by Messrs. Jones and Coffin on the passage of said bill,

*Those who voted in the affirmative are,*

Messrs. Berry of Franklin, Berry of Monroe, Bowers, Bradbury, Buell, Chapman of Laporte, Conner, Cuppy, Davis, Edmonson, Ellis, English, Goodenow, Hamer, Handy, Hardin, Henry, Herriman, Holloway, Howell, Jackson, Leviston, Logan, Major, Miller, Morgan of Decatur, Morgan of Rush, Murphey, Orth, Parks, Pomeroy, Read, Reyburn, Rockhill, Todd, Verbriek, Winchell, Wood, and Zenor—39.

*Those who voted in the negative are,*

Messrs. Akin, Allison, Chapman of Daviess, Chenowith, Coffin, Hamrick, Jones, Lane, Montgomery, and Moore—10.

So said bill was passed.

No. 55. A bill (of the Senate) to compensate supervisors in the county of Morgan;



Read a third time and passed.

No. 54. A bill (of the Senate) to change the time of holding the probate courts in the counties of Perry and Harrison;

Read a third time and passed.

No. 40. A bill (of the House) for the relief of certain purchasers of school lands, in Vanderburgh county, therein named;

Read a third time and passed.

No. 24. A bill (of the House) to authorize the refunding of taxes in certain cases;

Read a third time and passed.

No. 26. A bill (of the House) regulating the jurisdiction of justices of the peace in the counties of Lake and Porter;

Read a third time and passed.

No. 16. A bill (of the House) to legalize the official acts of John Nixon, school commissioner of Washington county;

Read a third time and passed.

No. 5. A bill (of the House) declaratory of the meaning of the 29th section of the 1st article of the 45th chapter of the Revised Statutes of 1843;

Read three times and passed.

Mr. Chapman of Laporte moved to amend the title of said bill by substituting as follows:

"A bill for the limitation of real actions."

Which amendment was not adopted.

No. 75. A bill (of the House) to dissolve the bonds of matrimony between Leonard Crawford and Frances Crawford;

Read a second time and ordered to a third reading on to-morrow.

No. 65. A bill (of the Senate) for the relief of Thomas Murphey;

Read a second time and ordered to a third reading on to-morrow.

No. 64. A bill (of the Senate) to amend the 36th section of the 13th chapter of the Revised Statutes of the State of Indiana;

Read a second time.

Mr. Herriman moved to indefinitely postpone said bill;

The ayes and noes being called for by Messrs. Morgan of Rush and Herriman,

*Those who voted in the affirmative are,*

Messrs. Akin, Berry of Franklin, Bowers, Bradbury, Buell, Chapman of Laporte, Chenowith, Coffin, Cuppy, Davis, Edmonson, Ellis, English, Goodenow, Hamer, Hamrick, Hardin, Henry, Herriman, Holloway, Howell, Jackson, Jones, Lane, Leviston, Logan, Major, Montgomery, Moore, Morgan of Decatur, Morgan of Rush, Murphey, Orth, Pomeroy, Read, Reyburn, Rockhill, Verbriek, Winchell, and Wood—40.

*Those who voted in the negative are,*

Messrs. Allison, Berry of Monroe, Chapman of Daviess, Conner, Miller, Parks, and Zenor—7.

So said bill was indefinitely postponed.

No. 62. A bill (of the Senate) to amend the laws now in force in this State regulating the duties of executors, administrators and guardians;

Read a second time.

Mr. Buell moved to lay said bill upon the table;

The ayes and noes being called for by Messrs. Davis and Chapman of Laporte,

*Those who voted in the affirmative are,*

Messrs. Allison, Berry of Franklin, Bradbury, Buell, Chapman of Daviess, Chapman of Laporte, Chenowith, Conner, Davis, Edmonson, English, Goodenow, Hamrick, Henry, Howell, Jackson, Jones, Lane, Montgomery, Moore, Orth, Pomeroy, Read, Reyburn, Todd, Verbriek, and Zenor—27.

*Those who voted in the negative are,*

Messrs. Akin, Bowers, Coffin, Cuppy, Ellis, Hamer, Handy, Hardin, Herriman, Holloway, Leviston, Logan, Major, Morgan of Decatur, Morgan of Rush, Murphey, Parks, Rockhill, Winchell, and Wood—20.

So said bill was laid upon the table.

No. 80. A bill (of the House) to dissolve the bonds of matrimony between John G. Keller and Elizabeth Keller;

Read a second time and ordered to a third reading on to-morrow.

No. 84. A bill (of the House) regulating the fees of petit jurors in Hancock county;

Read a second and third times, the rules being suspended, and passed.

No. 39. A bill (of the House) dissolving the bonds of matrimony between James Hays of Perry county and Catharine Hays;

Read a second and third times, the rules being suspended, and passed.

No. 117. A bill (of the House) to authorize the treasurer of Pike county to act as school commissioner;

Read a second and third times, the rules being suspended, and passed.

On motion,

The Senate adjourned till to-morrow morning at nine o'clock.



FRIDAY MORNING, DEC. 19, 1845.

The Senate assembled.

The Journal of the preceding day having been read,

On motion,

The communication from his Excellency, the Governor, made yesterday, in relation to the survey of the Wabash and Erie canal, was taken from the table, and referred to the committee on claims.

The following message was received from the House of Representatives by Mr. Kinder, their Clerk:

MR. PRESIDENT:

I am directed by the House to inform the Senate that the House have passed the following engrossed bill thereof:

No. 86. A bill to authorize the trustees for the Vincennes University to bring suit against the State, and for other purposes;

In which the concurrence of the Senate is respectfully requested.

The House have also passed engrossed bill of the Senate, without amendment,

No. 20. A bill to repeal an act to reduce the prices paid for ferriages in Lawrence county, approved January 15, 1844, and to revive the general law.

Mr. Ellis presented the petition of sundry citizens of Knox and Sullivan counties, in relation to a levee in Shaker prairie, in Knox county;

Which was referred to a select committee of Messrs. Ellis, Akin, and Allison.

Mr. Read presented the petition of William Logan and others, praying for the incorporation of the town of Port Fulton, in Clark county;

Which was referred to a select committee of Messrs. Read, Edmonson and Davis.

Mr. Parks presented the petition of sundry citizens of Morgan county, praying a repeal of the law assessing a highway tax so far as the county of Morgan is concerned;

Which was referred to a select committee of Messrs. Parks, Jackson and Hamrick.

Mr. Jones, from the committee on finance, submitted the following report:

MR. PRESIDENT:

The committee on finance, to whom was referred resolution No. 15, a resolution of enquiry relative to the expediency of extending the jurisdiction of justices of the peace so as to give them concurrent jurisdiction with the circuit courts in all cases of gambling, horse-racing, &c., together with a report made by the judiciary committee on said resolution, and have directed me to report the same back to the Senate and say that, in the opinion of your committee, the report of the judiciary was correct, that it is not expedient to legislate on that subject at this time, and respectfully ask to be discharged from a further consideration of the subject.

Which report was concurred in.

Mr. Henry, from the committee on education, made the following report:

MR. PRESIDENT:

The committee to whom was referred a resolution of the Senate asking said committee to enquire into the expediency of memorializing Congress to donate to the State of Indiana all the unsold lands in this State owned by the General Government, the proceeds of which, under said grant, shall be applied to common school education, have had the same under consideration, and directed me to report the following joint resolution and recommend its passage:

No. 6. A joint resolution on the subject of vacant lands in the State of Indiana;

Which was read a first time and ordered to a second reading on to-morrow.

Mr. Lane, chairman of the committee on canals and internal improvements, made the following report:

MR. PRESIDENT:

The committee on canals and internal improvements, to whom was referred bill No. 39, "A bill to authorize the settlement between the State and Allen McLean of Morgan county," have had the same under consideration, and have directed me to report the same back to the Senate and recommend its passage.

Said bill was then read a third time, the rules being suspended, and passed.

Mr. Edmonson, chairman of the committee on corporations, submitted the following report:



MR. PRESIDENT:

The committee on corporations, to whom was referred a bill entitled, "A bill to incorporate the Rising Sun manufacturing company," have had that subject under consideration, and directed me to report it back to the Senate with one amendment, which, when adopted, they recommend its passage:

Add "SEC. —. If the directors in said company shall contract debts in their corporate capacity over and above the amount of capital stock paid in, the directors so contracting shall be individually liable for the payment of such excess; and the Legislature reserves the right to alter or amend this charter, and to repeal the same upon violation of any of its provisions by the officers or stockholders of said company."

Which report was concurred in, and said bill ordered to a third reading on to-morrow.

The following message from the House of Representatives, was received by Mr. Kinder, their Clerk:

MR. PRESIDENT:

The Speaker of the House of Representatives has signed the following enrolled bills:

No. 23. An act in relation to the bank tax fund;

No. 53. An act to prescribe the mode of selecting grand and petit jurors in the county of Hendricks;

No. 48. An act for the relief of Victor Belan and Lambert Holder;

No. 9. An act changing the time of holding probate courts in the county of Allen, and for other purposes therein named;

Which I am directed to bring to the Senate for the signature of the President.

Mr. Berry of Franklin, from the committee on corporations, made the following report:

MR. PRESIDENT:

The committee on corporations, to whom was referred a resolution of the Senate instructing the committee to enquire whether the best interest of the State of Indiana is promoted by incorporating the repealing clause in charters granted to manufacturing companies in this State, have had that subject under consideration, and directed me to report that, in their opinion, no laws of exclusive privileges should be granted to any class of persons for any purpose whatever. But whilst they express this opinion, they are well aware that a por-

tion of their fellow citizens differ with them. This difference, they think, originates in the fact, that some individuals believe stealing and swindling, if licensed by charter, is not only honorable but necessary for public good. Your committee, however, think honest men, whether incorporated or not, will never complain of any laws calculated to protect the honest, industrious and unsuspecting from the craft of the dishonest; and they cannot regard with any favor, propositions which grant privileges such as the laws of the country withhold from citizens generally; and your committee asks to be discharged from the further consideration of the resolution.

Mr. Chapman of Laporte moved to lay said report upon the table; The ayes and noes being called for by Messrs. Davis and Bowers,

*Those who voted in the affirmative are,*

Messrs. Akin, Allison, Berry of Franklin, Berry of Monroe, Bowers, Bradbury, Buell, Chapman of Daviess, Chapman of Laporte, Chenowith, Conner, Cuppy, Davis, Ellis, English, Goodenow, Hamer, Hamrick, Hardin, Henry, Herriman, Holloway, Howell, Jackson, Jones, Lane, Leviston, Logan, Major, Montgomery, Moore, Morgan of Decatur, Morgan of Rush, Murphey, Orth, Parks, Pomeroy, Read, Reyburn, Rockhill, Todd, Winchell, Wood, and Zenor—44.

*Those who voted in the negative are,*

Messrs. Coffin, Edmonson, Handy, Miller, and Verbrike—5.

So said report was laid upon the table.

Mr. Verbrike, from the minority of the committee on corporations, made the following report:

MR. PRESIDENT:

The minority of the committee on corporations, to whom was referred a resolution of the Senate directing said committee to enquire whether the best interests of the State are promoted by incorporating the repealing clause in charters granted to manufacturing companies, have had the same under consideration, and have directed me to report the following:

The minority of your committee beg leave to state that, in their opinion, an act of incorporation by the Legislature is, in reality, a contract entered into by the State on the one part and the company so incorporated on the other. By the Legislature assuming to herself the power to repeal a charter at pleasure, before the expiration of the time stipulated in said charter, would be, in the opinion of your committee, an *ex parte* proceeding, wholly uncalled for by the best interests of the State, and would have a direct tendency to



debar the introduction of capital from abroad. We cannot believe for a moment that capitalists or enterprising men from any part of the world would take shelter under a law holding the party incorporated to the very letter of the charter, and the State, who is the other contracting party, fly off at a tangent at pleasure. The true intent of incorporating a company is to combine capital and enterprise together—to perform by compact what cannot be done in a single capacity. Now if this be a correct principle, and the State be allowed to recede from her contract at pleasure, without the consent of the other contracting party, let the precedent at once be established, and the State may, with propriety, claim the right to set aside any obligation, no matter how sacred, through her Legislature. But your committee takes a very different view of the premises. We contend that the State should be like Cæsar's wife, not only chaste, but above suspicion—true to her contracts in corporations as well as other matters. There is nothing that would advance the wealth and prosperity of this State at this time more than the introduction of manufactories and the capital that would necessarily attend them.

It may here be contended by the majority of said committee that the power to repeal, alter or amend a charter enters into and becomes a part and parcel of the contract on the part of the State. Take this view of the case and how much better does it stand? It still has a direct tendency to prevent men of capital from making their investments in manufactories amongst us. We here contend, and think the history of this State will bear us out in our position, that no manufacturing company, where the capital required amounts to some three or four hundred thousand dollars, could with safety organize under such circumstances. If a company should organize under the provisions contended for by the majority of said committee, what security has the company against a subsequent Legislature? We say, none at all. What is more fluctuating than legislation? A few years ago a divorce could not be obtained here. How is it now? A petition is hardly read till the prayer is granted. So in all probability it would be with manufacturing companies. When their stock, in making preparation, was half expended, the Legislature may have such a holy horror against monopolies that, having the power, would exercise it in repealing the charter, and thereby ruin the company. We further contend that the State is amply secured or may be made so on the face of the charter without legislative interference thereafter, having in her favor a statutory provision suited to all such cases of forfeiture of charters, and can close the concern without legislation on the matter.

Your committee, having taken a view of the whole premises, have come to the conclusion that charters regularly granted and accepted in good faith by the other party, should not be trammelled by subsequent legislation, neither should the State think of claiming any power to repeal or alter said charter until its term of time expire. For which reasons the minority of your committee respectfully beg

leave to dissent from the report of the majority of the same committee.

S. A. VERBRIKE,  
J. ZENOR,  
E. MURPHEY.

Which report was laid upon the table.

Mr. Holloway, from a select committee, submitted the following report :

MR. PRESIDENT :

The select committee, to whom was referred two petitions and a remonstrance relative to a certain State road in the county of Wayne, have had the same under consideration, and have directed me to report the accompanying bill and recommend its passage :

No. 78. A bill to repeal an act relative to a certain State road in Wayne county ;

Which was read a first time ;

On motion by Mr. Holloway,

The rules were suspended, and said bill read a second and third times and passed.

Mr. Buell, from a select committee, submitted the following report :

MR. PRESIDENT :

The select committee, to whom was referred the memorial of sundry citizens of Dearborn and Ripley counties, praying for the establishment of a State road therein, have directed me to report the following bill and recommend its passage :

No. 79. A bill to locate a State road in Dearborn and Ripley counties ;

Which was read a first time ;

On motion by Mr. Buell,

The rules were suspended, and said bill read a second and third times and passed.

Mr. English, from a select committee, made the following report :

MR. PRESIDENT :

The select committee, to whom was referred an engrossed bill of the House of Representatives entitled, No. 13, "A bill relative to the probate courts of Jackson and Greene counties," have, according to order, had the same under consideration, and have directed



me to report the same back to the Senate with two amendments: 1st. Strike out of said bill the third section thereof. 2d. Strike out the words "section fourth," where they occur in said bill, and insert in lieu thereof, "section third." In which amendments the committee respectfully ask the concurrence of the Senate; on the adoption of said amendments the committee recommend the passage of the bill.

Which report was concurred in.

Said bill was then read a third time, the rules being suspended, and passed.

By Leave of the Senate,

Mr. Rockhill presented the petition of Mary Dexheimer, of Huntington county, praying for relief; which,

On motion by Mr. Rockhill,

Was referred to a select committee of Messrs. Rockhill, Winchell and Cuppy.

Mr. Coffin offered the following resolution:

*Resolved*, That the Auditor of State be requested to communicate to the Senate without delay, the amount of money advanced by the State under the laws of 1835-6, providing for a general system of internal improvements on the White Water canal, the Madison and Indianapolis railroad, the New Albany turnpike road, the Central canal, and the Wabash and Erie canal, with the amount of interest due for money expended on each work, and for which the people of Indiana are liable, and also the amount of tolls on each work coming into the State treasury.

Which was adopted.

Mr. Chapman of Laporte offered the following resolution:

*Resolved*, That the committee on apportionment be respectfully requested to report a bill apportioning the Senators and Representatives among the several counties in this State, at as early a time as is practicable.

Which was adopted.

Mr. Allison offered the following resolution:

*Resolved*, That the committee on roads be instructed to enquire into the expediency of so changing the revenue law relating to the collection of road tax, as to make it the duty of supervisors of roads to collect the road tax in their several road districts; with leave to report by bill or otherwise.

Which was adopted.

Mr. Cuppy introduced,

No. 79. A bill to amend an act entitled, "An act to incorporate the Buffalo and Mississippi railroad company," approved February 6, 1835;

Which was read a first and second times, the rules being suspended, and,

On motion by Mr. Cuppy,

Referred to a select committee of Messrs. Cuppy, Herriman, Pomeroy, Chapman of Laporte, and Rockhill.

Mr. Berry of Franklin introduced,

No. 80. A bill for the relief of Joseph and Maria Rudman of the county of Franklin;

Which was read a first and second times, the rules being suspended, and ordered to a third reading on to-morrow.

#### ORDERS OF THE DAY.

No. 80. A bill (of the House) to dissolve the bonds of matrimony between John G. Keller and Elizabeth Keller;

Read a third time and passed.

No. 65. A bill (of the Senate) for the relief of Thomas Murphy;

Read a third time and passed.

No. 75. A bill (of the House) to dissolve the bonds of matrimony between Leonard Crawford and Frances Crawford;

Read a third time.

Mr. Allison moved to refer said bill, and all other similar bills, to a select committee with instructions to consolidate the whole into one bill.

Mr. Buell moved to amend the instructions as follows:

"That any person wishing to be divorced from the bonds of matrimony shall, by previously giving thirty days' notice, be entitled to a final discharge on making application to any justice of the peace of said township."

Which amendment was not adopted.

Mr. Chapman of Laporte called for a division of the question;

And the question recurring on referring said bill,

It was decided in the negative.

Said bill was then passed.

No. 76. A bill (of the Senate) in relation to the duties of county treasurers in the counties of Laporte, Porter and Lake.

On motion by Mr. Chapman of Laporte,

The rules were suspended, and the bill read a second and third times and passed.

No. 29. A bill (of the Senate) to incorporate the Richmond and Miami railroad company;

On motion by Mr. Holloway,

Said bill was laid upon the table.

No. 71. A bill (of the Senate) to amend an act entitled, "An act abolishing the office of county auditor in certain counties therein named," approved January 15, 1844;

Read a third time and passed.

No. 69. A bill (of the Senate) abolishing capital punishment;



Read a second time.

Mr. Buell moved to amend said bill by giving to the jury trying such criminal discretion to hang or to imprison for life ;

Which amendment was adopted.

On motion by Mr. Davis,

Said bill was then referred to the committee on the judiciary.

By leave of the Senate,

Mr. Orth introduced,

No. 81. A bill to provide for the remuneration of Sylvester Howse, of Syracuse, N. Y., for the arrest of Joseph Gould, a fugitive from justice from Indiana ;

Which was read ; and,

On motion by Mr. Orth,

The rules were suspended, and said bill read a second time and referred to the committee on claims.

By leave of the Senate,

Mr. Todd introduced,

No. 82. A bill to extend the time to the borrowers of certain funds ;

Which was read a first and second times, the rules being suspended, and,

On motion by Mr. Todd,

Referred to the committee on the judiciary.

By leave of the Senate,

Mr. Reyburn introduced,

No. 83. A bill authorizing the commissioners of the county of Miami to settle with the heirs of William N. Wood, deceased ;

Which was read a first and second times, the rules being suspended, and,

On motion by Mr. Reyburn,

Referred to the committee on the judiciary.

No. 45. A bill (of the Senate) authorizing judges of probate courts to take acknowledgments of deeds and other instruments, and for other purposes ;

Which was read a second time and ordered to a third reading on to-morrow.

No. 37. A bill (of the Senate) in relation to advertising certain delinquent lands ;

Mr. Holloway moved to amend said bill so as the notice should be published in the paper having the largest circulation in the county where the lands lie ;

Which motion prevailed.

Mr. Montgomery moved to amend as follows :

"And in the event no paper be published in said county where such lands lie, then such notice shall be published in some paper having a general circulation in said county."

On motion by Mr. Herriman,

Said bill and pending amendment were referred to the judiciary committee.

The following message was received from the House of Representatives by Mr. Kinder, their Clerk :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House have passed the following engrossed bills thereof :

No. 104. An act increasing the per diem allowance of grand and petit jurors ;

No. 107. An act to change the mode of districting hands to perform labor on public roads in Orange county ;

No. 109. An act dissolving the bonds of matrimony between Wm. Martin and Susan Martin, of Warrick county ;

No. 112. An act to amend a certain act therein named ;

No. 114. An act to repeal an act providing for the opening and repairing roads and highways and streams in Bartholomew county ;

No. 116. An act to authorize trustees of congressional township number eight, north of range twelve east, in Wells county, to lay off a town ;

No. 119. An act providing for the better preservation of legislative papers ;

No. 120. An act to repeal a certain act therein named ;

No. 121. An act to vacate a certain road in Jefferson county ;

No. 126. An act to dissolve the bonds of matrimony between Jared S. Ryker and Thurse Ann Ryker of Jefferson county ;

No. 127. An act to abolish the office of county auditor in Ohio county ;

No. 128. An act declaring a certain road in the county of Dearborn a State road ;

No. 129. An act in relation to county orders ;

No. 131. An act to abolish the office of county auditor in the county of Johnson ;

No. 135. An act for the relief of William J. Chaplin ;

No. 138. An act to revive certain acts in relation to writs of ne exeat ;

No. 140. A act to provide for taking the sense of the qualified voters of this State on the calling of a convention to alter, revise or amend the constitution of this State ;

No. 144. An act regulating the duties of county commissioners in this State ;

No. 145. A joint resolution on the subject of procuring a law by Congress in relation to the sale of congressional townships ;

No. 147. An act in relation to the sale of saline lands in Orange county ;



No. 159. An act to divorce Nancy Casto from Jonathan Casto, her husband;

No. 142. An act changing the time of holding circuit and probate courts in Clark county;

No. 160. An act authorizing the county board of St. Joseph county to employ a physician for the poor;

No. 164. An act for the relief of purchasers of school lands in Randolph county;

No. 163. An act to change the name of Aberdeen, in Hamilton county;

In which the concurrence of the Senate is respectfully requested.

The President laid before the Senate the following communication from the Auditor of State:

AUDITOR OF STATE'S OFFICE, }  
December 19th, 1845. }

HON. GODLOVE S. ORTH,  
*President of the Senate:*

SIR—The following resolution of the Senate, adopted yesterday, has been received:

“Resolved, That the Auditor of State be requested to inform the Senate the reason, if any he has, why no tract book has been furnished to the county of Clark, agreeably to a law heretofore passed, and whether the former Auditor has not received pay for making out said tract book.”

In reply to this resolution I would state, that under the joint resolution of February 13, 1841, there was audited to my predecessor, on the 2d of May, 1842, the sum of \$372 50 for making out tract books for the counties embraced in the Jeffersonville district. The following entry, in reference to this subject, is found on the books of this office:

“All the counties in the Jeffersonville land district were furnished with complete tract books up to January 1st, 1841, during the years 1841-2.

(SIGNED)

M. MORRIS.”

Mr. Austin W. Morris, formerly principal clerk in the Auditor's office, informs me that the tract book for Clark county was sent by the Bloomington stage, directed to the county auditor at Charleston. Under these circumstances I did not consider it would be proper for me to subject the State to the expense of making another tract book for said county, unless authorized to do so by the Legislature.

I am, very respectfully,

Your obedient servant,

HORATIO J. HARRIS,

*Auditor of State.*

On motion by Mr. Howell,  
The Senate adjourned until two o'clock, P. M.

2 o'clock, P. M.

The Senate met;

And resumed the consideration of the orders of the day.

No. 49. A bill (of the Senate) to authorize the re-appraisement of school lands in certain cases;

Read a second time and ordered to a third reading on to-morrow.

No. 68. A bill (of the Senate) to amend the revenue laws;

Read a second time and ordered to a third reading on to-morrow.

No. 43. A bill (of the Senate) in relation to taking up estrays;

Read a second time and ordered to a third reading on to-morrow.

No. 44. A bill (of the Senate) to increase the pay of grand and petit jurors;

Mr. Berry of Monroe moved to amend said bill by excepting from the provisions thereof the counties of Monroe and Brown.

Mr. Akin, the counties of Vigo, Sullivan and Clay.

Mr. Holloway, the county of Wayne.

On motion by Mr. Ellis,

Said bill and pending amendments were laid upon the table.

No. 49. A bill (of the House) to amend the 54th section of the 12th chapter of the Revised Statutes of 1843;

Read a second time, and,

On motion by Mr. Herriman,

Referred to the committee on the judiciary.

No. 66. A bill (of the Senate) to extend further time to the borrowers of the Sinking Fund;

Read a second time and ordered to a third reading on to-morrow.

No. 5. A joint resolution (of the Senate) on the subject of the Oregon boundary;

Read a second time.

Mr. Davis moved to refer said joint resolution to the committee on federal relations;

Which motion did not prevail.

Mr. Davis then moved to amend by striking out the following words: “And that his prompt withdrawal of all propositions further to negotiate under the circumstances merits the approbation of the people of this State.”

On the adoption of said amendment,

The ayes and noes being called for by Messrs. Davis and Herriman,

*Those who voted in the affirmative are,*

Messrs. Allison, Bowers, Bradbury, Chenowith, Coffin, Conner, Davis, Ellis, Goodenow, Hamer, Hamrick, Henry, Holloway, Montgomery, Moore, Morgan of Decatur, Morgan of Rush, Murphey, Orth, Pomeroy, Reyburn, Verbriek, Winchell, and Zenor—23.



*Those who voted in the negative are,*

Messrs. Akin, Berry of Franklin, Berry of Monroe, Buell, Chapman of Daviess, Chapman of Laporte, Cuppy, Edmonson, English, Handy, Hardin, Herriman, Howell, Jackson, Jones, Lane, Leviston, Logan, Major, Miller, Parks, Read, Rockhill, Todd, and Wood—25.

So said amendment was not adopted.

Said joint resolution was then ordered to a third reading on to-morrow.

Mr. Pomeroy moved to take from the table,

No. 41. A bill (of the House) for the relief of Joseph Carpenter;

Which motion prevailed, and said bill was ordered to a third reading on to-morrow.

On motion by Mr. Edmonson,

The messages from the House were taken up.

No. 90. A bill (of the House) for the relief of Thomas Carrico of Knox county;

Read a first, second and third times, the rules being suspended, and passed.

No. 124. A bill (of the House) to change the time of summoning petit jurors to appear in the circuit court for Vigo county, and for other purposes;

Read a first time and ordered to a second reading on to-morrow.

No. 96. A bill (of the House) for the relief of John Drummond;

Read a first time.

On motion by Mr. Morgan of Rush,

The rules were suspended, and said bill was read a second and third times and passed.

No. 108. A bill (of the House) to incorporate the Terre Haute Greys;

Read a first and second times, the rules being suspended, and,

On motion by Mr. Akin,

Referred to the committee on corporations.

No. 89. A bill (of the House) to amend the Statute regulating the duties of clerks of executors' and administrators' sales;

Read a first and second times, the rules being suspended, and,

On motion by Mr. Herriman,

Referred to the committee on the judiciary.

No. 72. A bill (of the House) in relation to appeals and writs of error in writs of habeas corpus;

Read a first and second times, the rules being suspended, and,

On motion by Mr. Herriman,

Referred to the committee on the judiciary.

No. 58. A bill (of the House) to amend sections 92 and 128, chapter 35, article 4, of the Revised Statutes, as far as relates to fees for services of guardians;

Read a first and second times, the rules being suspended, and,

On motion by Mr. Herriman,

Referred to the committee on the judiciary.

No. 52. A bill (of the House) for the relief of purchasers of canal lands;

Read a first and second times, the rules being suspended, and,

On motion by Mr. Montgomery,

Referred to the committee on canals and internal improvements.

No. 29. A bill (of the House) to restrict the operation of an act entitled, "An act relative to the appointment of county commissioners of the several counties in this State to act as boards of library trustees in their respective counties, and for other purposes," approved January 6, 1845;"

Said bill was read a first and second times, the rules being suspended.

Mr. Berry of Monroe moved to amend said bill by extending the provisions thereof to Monroe county;

Mr. Howell, to amend, by extending the provisions thereof to Spencer county;

Which amendments were adopted.

Said bill was then read a third time, the rules being suspended, and passed.

No. 35. A bill (of the House) to amend the 73d and 74th sections of the 53d chapter of the Revised Laws of 1843, relative to trespassing upon the lands of the United States;

Read a first and second times, the rules being suspended, and,

On motion by Mr. Chapman of Laporte,

Referred to the committee on the judiciary.

No. 101. A bill (of the House) to change the name of Edward C. Hawkins and Edward Musseth;

Read a first time.

On motion by Mr. Pomeroy,

The rules were suspended, and said bill read a second and third times and passed.

No. 68. A bill (of the House) to amend section 175, chapter 47, of the Revised Statutes of 1843, relative to costs in appeals from justices of the peace;

Read a first and second times, the rules being suspended, and,

On motion by Mr. Pomeroy,

Referred to the committee on the judiciary.

No. 94. A bill (of the House) to change the mode of appointing examiners of common school teachers in Orange county;

Read a first time.

On motion by Mr. Miller,

The rules were suspended, and said bill read a second and third times and passed.

No. 100. A bill (of the House) to amend an act entitled, an act



to change the time of holding probate courts in Martin county, approved January 13, 1845;

Read a first time.

On motion by Mr. Chapman of Daviess,

The rules were suspended, and said bill read a second and third times and passed.

No. 98. A bill (of the House) to vacate part of the addition to the town of Plymouth, in Marshall county;

Read a first and second times, the rules being suspended, and ordered to a third reading on to-morrow.

No. 97. A bill (of the House) to locate a State road in Tippecanoe county;

Read a first time.

On motion by Mr. Orth,

The rules were suspended, and the bill read a second and third times and passed.

No. 132. A bill (of the House) to legalize the election of Russell Mitchell, a justice of the peace in Pleasant Run township, Lawrence county;

Read a first and second times, the rules being suspended, and ordered to a third reading on to-morrow.

No. 113. A bill (of the House) to change the time of holding courts in Adams county;

Read a first time.

On motion by Mr. Rockhill,

The rules were suspended, and said bill read a second and third times and passed.

No. 159. A bill (of the House) to divorce Nancy Casto from Jonathan Casto, her husband;

Read a first time.

On motion by Mr. Akin,

The rules were suspended, and said bill read a second and third times and passed.

No. 160. A bill (of the House) to authorize the county board of St. Joseph county to employ a physician for the poor;

Read a first time.

On motion by Mr. Pomeroy,

The rules were suspended.

Said bill was then read a second and third times and passed.

On motion,

The Senate adjourned until to-morrow morning, at 9 o'clock.

SATURDAY MORNING, DEC. 20, 1845.

The Senate assembled.

The Journal of the preceding day was read.

Mr. Henry, from the committee on the judiciary, submitted the following report:

MR. PRESIDENT:

The committee to whom was referred bill of the Senate No. 52, entitled, "An act to amend an act in relation to county treasurers," have had the same under consideration, and directed me to report it back to the Senate and recommend its indefinite postponement.

Which report was not concurred in.

On motion by Mr. Herriman,

Said bill was referred to a select committee of Messrs. Herriman, Cuppy, Winchell, Chapman of Laporte, and Rockhill.

Mr. Ellis, from the committee on the judiciary, submitted the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred a Senate resolution relative to striking certain names from the delinquent list of the tax duplicates, after having had the same under consideration, have instructed me to report the following bill and recommend its passage:

No. 84. A bill to authorize the names of insolvent persons to be stricken from the tax duplicate;

Which was read a first and second times, the rules being suspended, and ordered to a third reading on to-morrow.

Mr. Logan, from the committee on the judiciary, submitted the following report:

MR. PRESIDENT:

The judiciary committee, to whom was referred a resolution of the Senate instructing said committee to enquire into the propriety of making it the duty of persons applying to the Legislature for divorces, to give public notice of such intention where one or both of the parties reside previous to such application being made, have



had the same under consideration, and directed me to report that, in their opinion, it is inexpedient to legislate on that subject, and ask to be discharged from the further consideration of said resolution.

On the question to concur in said report,

The ayes and noes being called for by Messrs. Chapman of Laporte and Akin,

*Those who voted in the affirmative are,*

Messrs. Akin, Berry of Franklin, Bradbury, Chapman of Laporte, Cuppy, Davis, Edmonson, Ellis, English, Hardin, Henry, Herriman, Holloway, Howell, Jackson, Lane, Leviston, Logan, Major, Read, Rockhill, Winchell, and Wood—23.

*Those who voted in the negative are,*

Messrs. Allison, Berry of Monroe, Bowers, Buell, Chapman of Daviess, Chenowith, Conner, Hamer, Hamrick, Jones, Miller, Montgomery, Moore, Morgan of Decatur, Morgan of Rush, Orth, Parks, Pomeroy, Reyburn, Todd, Verbrike, and Zenor—22.

So said report was concurred in.

Mr. Logan, from the committee on the judiciary, submitted the following report:

**MR. PRESIDENT:**

The committee on the judiciary, to whom a resolution of the Senate was referred, instructing said committee to enquire into the expediency of repealing the provision contained in 141st section of article 5th, of chapter 35, of the Revised Statutes of 1843, that requires apprentices to be instructed in the general rules of arithmetic at least to the double rule of three inclusive, have, according to order, had the same under their consideration, and directed me to report that it is inexpedient to legislate on the subject at this time, and ask to be discharged from the further consideration thereof.

Which report was concurred in.

Mr. Logan, from the committee on the judiciary, submitted the following report:

**MR. PRESIDENT:**

The judiciary committee, to whom was referred a bill of the Senate No. 38, entitled, "A bill relative to clerks of circuit courts performing the duties of county auditors," have had the same under

consideration, and directed me to report the same back to the Senate and recommend its indefinite postponement.

Which report was concurred in.

Mr. Winchell, from the committee on the judiciary, submitted the following report:

**MR. PRESIDENT:**

The committee on the judiciary, to whom was referred a resolution instructing said committee to enquire if there are any amendments necessary to the execution laws, where it is made the duty of the officer holding an execution in certain cases, to set off the defendant one hundred and twenty-five dollars worth of property so as to compel him to answer under oath that the property presented to such officer is all he has directly or indirectly, with leave to report by bill or otherwise, have had the same under consideration, and directed me to report that the committee deem it inexpedient to further legislate upon the subject.

Which report was concurred in.

Mr. Lane, chairman of the committee on canals and internal improvements, made the following report:

**MR. PRESIDENT:**

The committee on canals and internal improvements, to whom was referred a resolution instructing them to enquire into the expediency of requiring the tolls and water rents on the Wabash and Erie canal to be paid in par funds, have directed me, inasmuch as a bill has passed the Senate to that effect, to report that further legislation on the subject is unnecessary.

Which report was concurred in.

Mr. Parks, chairman of the committee on agriculture, submitted the following report:

**MR. PRESIDENT:**

The committee on agriculture, to whom was referred a resolution on the subject of amending the 10th chapter of the Revised Statutes of 1843, prescribing the duties of county surveyor so as to make each individual benefitted by the surveying of any lines, or establishing of any corner or corners, liable for the cost of such survey in proportion to his interest therein, have had that subject under consideration, and have directed me to report the following bill and recommend its passage:



No. 85. A bill to amend the 15th section of chapter 10 of the Revised Statutes of 1813.

Mr. Chapman of Laporte moved to refer said bill to the committee on finance with instructions to enquire into its constitutionality; Which motion prevailed.

Mr. Murphey, from the committee on the State Prison, submitted the following report:

MR. PRESIDENT:

The committee on the State Prison, to whom was referred the memorial of U. D. Beach and others, citizens of Jeffersonville and vicinity, praying the Legislature to address the legislative councils of the Union, by memorial or resolution, representing the importance of the construction of a canal around the falls of the river Ohio, have had that subject under consideration, and have directed me to report the following memorial and joint resolution, and ask their adoption:

No. 7. A joint resolution in relation to the improvement of the river Ohio:

Which was read a first time.

On motion by Mr. Read,

The rules were suspended, and said joint resolution read a second and third times and passed.

Mr. Cuppy, from a select committee, submitted the following report:

MR. PRESIDENT:

The committee to whom was referred a bill of the Senate No. 79, entitled, "A bill to amend an act entitled, an act to incorporate the Buffalo and Mississippi railroad company," have had that subject under consideration, and have directed me to report the same back to the Senate without amendment, and recommend its passage.

Said bill was read a second time.

On motion by Mr. Herriman,

The rules were suspended, and the bill read a third time and passed.

Mr. Edmonson, from a select committee, submitted the following report:

MR. PRESIDENT:

The select committee, to whom was referred bill of the House No. 22, "A bill to change the time of holding probate courts in Dubois

county," have had the same under consideration, and have directed me to report the same back to the Senate with one amendment, and recommend its passage:

Amend the second section. Strike out the words "its passage," and insert, "the first day of June next."

Which report was concurred in.

Said bill was then read a second time.

On motion by Mr. Edmonson,

The rules were suspended, and the bill read a third time and passed.

The President laid before the Senate the following communication from J. S. Brown, Principal of the deaf and dumb asylum:

INSTITUTION FOR THE DEAF AND DUMB,  
Indianapolis, December 20th, 1845. }

HON. G. S. ORTH,

*President of the Senate:*

SIR—The members of the Senate are respectfully invited to attend the exhibition of the deaf and dumb in the Representative's Hall at 2 o'clock, P. M., of this day.

With sentiments of respect,

Your obedient servant,

J. S. BROWN.

Mr. Henry moved to reconsider the vote by which No. 90, A bill (of the House) for the relief of Thomas Carrico, of Knox county, was passed;

Which motion prevailed.

Mr. Henry moved to commit said bill to the committee on the judiciary with instructions to enquire into its constitutionality;

Which motion prevailed.

Mr. Goodenow offered the following resolution:

*Resolved*, That the committee on the State Library be instructed to enquire into the expediency of distributing a portion of the statistics of the census of 1840, now in the State Library, among the several counties.

Which was adopted.

Mr. Chapman of Laporte offered the following resolution:

*Resolved*, That the joint committee on the part of the Senate, appointed to meet with a similar committee on the part of the House of Representatives, and to which was referred a communication of



his Excellency, the Governor, inclosing a communication of Charles Butler, Esq., report to this Senate, without unnecessary delay, whether the said committee have or have not employed a clerk, and if they have, by what authority it was done; also, whether said committee have or have not ordered the printing of one or more papers laid before them, and if so, by what authority they made such order.

*And be it further resolved*, That the powers of said committee be hereby suspended until the Senate shall receive a reply to the resolution of the Senate calling upon the Governor to lay before the Senate all evidence in his possession of the authority of Charles Butler, Esq., to act for our foreign bondholders.

Mr. Howell moved to lay said resolution upon the table;

The ayes and noes being called for by Messrs. Chapman of Laporte and Akin,

*Those who voted in the affirmative are,*

Messrs. Akin, Allison, Berry of Franklin, Berry of Monroe, Chapman of Daviess, Chenowith, Davis, Edmonson, English, Goodenow, Hamer, Hamrick, Herriman, Howell, Jackson, Jones, Lane, Leviston, Miller, Montgomery, Moore, Parks, Pomeroy, Read, and Rockhill—25.

*Those who voted in the negative are,*

Messrs. Bowers, Bradbury, Buell, Chapman of Laporte, Coffin, Conner, Cuppy, Ellis, Hardin, Henry, Holloway, Logan, Major, Morgan of Decatur, Morgan of Rush, Murphey, Orth, Todd, Verbrike, Winchell, Wood, and Zenor—22.

So said resolution was laid upon the table.

Mr. Herriman offered the following resolution:

*Resolved*, That when the Senate adjourn it adjourn until Monday morning next, at 9 o'clock.

Which resolution was adopted.

By leave of the Senate,

Mr. Ellis presented the petition of sundry citizens of Knox county in relation to a certain mill site therein named; which,

On motion by Mr. Ellis,

Was referred to the committee on the judiciary.

Mr. Verbrike offered the following resolution:

*Resolved*, That the committee on federal relations be instructed to enquire into the expediency of instructing our members in Congress to use all honorable means in their power to secure the passage of a law granting a portion of land in the territory of Oregon or

Texas for a permanent settlement for the free blacks of the different States, and thereby restore peace and satisfaction with all parties; with leave to report by joint resolution or otherwise.

Which was adopted.

Mr. Logan introduced,

No. 8. A joint resolution in relation to the election of the superintendent of the New Albany and Vincennes road;

Which was read a first time.

On motion by Mr. Ellis,

The rules were suspended, and the joint resolution read a second time and ordered to a third reading on to-morrow.

Mr. Todd introduced,

No. 9. A joint resolution in relation to the Oregon boundary;

Which was read a first and second times, the rules being suspended, and,

On motion by Mr. Chapman of Laporte,

Referred to the committee on federal relations.

Mr. Buell introduced,

No. 86. A bill in relation to making issue terms in Dearborn county;

Which was read a first time.

On motion by Mr. Buell,

The rules were suspended, and the bill read a second and third times and passed.

The following message was received from the House of Representatives by Mr. Kinder, their Clerk:

**MR. PRESIDENT:**

I am directed by the House of Representatives to inform the Senate that the House have passed the following engrossed bills without amendment:

No. 60. An act to correct a misprint in an act entitled, An act for the relief of the administrators of John Coce, late of Dearborn county, deceased;

No. 3. A joint resolution upon the subject of over-flowed public lands;

No. 7. An act to attach the county of Tipton to the 11th judicial circuit, and to fix the time of holding courts in said circuit;

No. 32. An act regulating the jurisdiction of justices of the peace in the county of Miami.

They have also passed the following bill of the Senate with one amendment:

No. 2. A bill for the relief of Francis Lafontaine;

In which the concurrence of the Senate is respectfully requested.



## MR. PRESIDENT:

I am directed by the House to inform the Senate that the House have passed the following engrossed bills thereof:

No. 151. An act to amend the 1st article of the 50th chapter of the Revised Statutes of 1843;

No. 79. An act to regulate the fees of sheriffs in sales of mortgaged premises;

No. 87. An act to amend the law regulating the practice in the eleventh judicial circuit;

No. 83. An act to amend the 29th and 30th chapters of the Revised Statutes of 1843, and to repeal certain provisions therein named.

In which the concurrence of the Senate is requested.

The House have also concurred in the engrossed amendments of the Senate to bills of the House of the following titles:

No. 17. An act for the relief of the heirs of William Pinnick, deceased, of Orange county;

No. 40. A bill for the relief of certain purchasers of school lands (in Vanderburgh county) therein named;

No. 54. A bill to change the time of holding the probate courts in the counties of Perry and Harrison;

No. 74. A bill to alter the width of a State road from Connersville to St. Omar.

Mr. Miller introduced,

No. 87. A bill to attach additional territory to the county of Crawford, and for other purposes;

Which was read a first time.

On motion by Mr. Miller,

The rules were suspended, and the bill read a second time.

On motion by Mr. Zenor,

The bill was laid upon the table.

Mr. Berry of Franklin introduced,

No. 88. A bill to extend the time of the February term of the Franklin circuit court;

Which was read a first time.

On motion by Mr. Berry of Franklin,

The rules were suspended, and said bill read a second and third times and passed.

Mr. Howell moved to take from the files,

No. 7. A joint resolution in relation to the election of the superintendent of the New Albany and Vincennes road;

Which motion prevailed.

The joint resolution was then read a third time and passed.

Mr. Coffin introduced,

No. 89. A bill in relation to the Wabash and Erie canal lands;

Which was read a first and second times, the rules being suspended, and,

On motion by Mr. Coffin,

Referred to the committee on canals and internal improvements.

Mr. Akin moved to suspend the rules and take from the table,

No. 21. A bill (of the Senate) establishing a State road in the counties of Putnam and Clay;

Which motion prevailed.

The bill was then read a third time and passed.

## ORDERS OF THE DAY.

No. 132. A bill (of the House) to legalize the election of Russell Mitchell, a justice of the peace in Pleasant Run township, Lawrence county;

Read a third time and passed.

No. 41. A bill (of the House) for the relief of Joseph Carpenter;

Read a third time.

The ayes and noes being called for by Messrs. Jones and Reyburn on the passage of the bill,

*Those who voted in the affirmative are,*

Messrs. Akin, Berry of Franklin, Berry of Monroe, Chapman of Daviess, Chapman of Laporte, Coffin, Cuppy, Davis, Edmonson, English, Hamer, Hardin, Henry, Herriman, Holloway, Howell, Jackson, Lane, Leviston, Major, Miller, Parks, Pomeroy, Read, Rockhill, Todd, Winchell, and Wood—28.

*Those who voted in the negative are,*

Messrs. Allison, Bowers, Bradbury, Buell, Chenowith, Conner, Ellis, Hamrick, Jones, Logan, Moore, Morgan of Decatur, Morgan of Rush, Murphey, Orth, Reyburn, and Verbribe—16.

So said bill was passed.

No. 98. A bill (of the House) to vacate part of the addition to the town of Plymouth, in Marshall county;

Read a third time and passed.

No. 45. A bill (of the Senate) authorizing judges of probate courts to take acknowledgments of deeds and other instruments, and for other purposes;

Read a third time and passed.

Mr. Murphey moved to suspend the rules and take from the table,

No. 62. A bill (of the Senate) to amend the laws now in force in this State regulating the duties of executors, administrators and guardians;

Which motion prevailed.



Mr. Murphey moved to amend the bill as follows:

After the words "by will," strike out the word "or," and insert "and," and after the word "sold," strike out the words "for the payment of debts or legacies."

Mr. Edmonson moved to lay the bill and pending amendment upon the table;

Which motion did not prevail.

The amendment was then adopted, and the bill ordered to be engrossed and read a third time on Monday next.

On motion by Mr. Reyburn,

The Senate adjourned.

## MONDAY MORNING, DEC. 22, 1845.

The Senate assembled.

The Journal of the preceding day was read.

Mr. Henry presented the petition of William Boyd, Jr., and others in relation to the Grand Lodge of the Independent Order of Odd Fellows; which,

On motion by Mr. Henry,  
Was laid upon the table.

Mr. Winchell presented the petition of Moses Stett and others in relation to a railroad from Marion, in Grant county, Indiana, to some point on the Wabash and Erie canal.

On motion by Mr. Winchell,

The petition was referred to a select committee of Messrs. Winchell, Rockhill and Bowers.

Mr. Murphey presented the petition of sundry citizens of Henry county in relation to a certain bridge therein named.

On motion by Mr. Murphey,

The petition was referred to a select committee of Messrs. Murphey, Morgan of Decatur and Ellis.

The President laid before the Senate the communication of the Auditor of State, made in pursuance of a resolution of the Senate requesting him to communicate certain intelligence in relation to the different works of internal improvement in this State.

On motion by Mr. Howell,

The communication was laid upon the table, and one hundred copies ordered to be printed for the use of the Senate.

Mr. Berry of Franklin presented the petition of B. Cottrill, praying the passage of an act for the relief of Nancy McCleery.

On motion by Mr. Berry of Franklin,

The petition was referred to a select committee of Messrs. Berry of Franklin, Hardin and Leviston.

Mr. Berry of Franklin, from the committee on claims, submitted the following report:

MR. PRESIDENT:

The committee on claims, to whom was referred a bill entitled, "A bill for the relief of A. Hendricks & Son," have had that subject under consideration, and a majority of the committee, from the facts that there has already been much legislation upon the claims of Hendricks & Son, and that they now present no definite claim upon which they wish legislation, but ask for the passage of an act which your committee believe will most probably result in great injustice to the State, have directed me to report it back to the Senate, and recommend its indefinite postponement.

On the question to concur in the said report,

The ayes and noes being called for by Messrs. Edmonson and Logan,

*Those who voted in the affirmative are,*

Messrs. Akin, Barbour, Berry of Franklin, Berry of Monroe, Bradbury, Buell, Chapman of Daviess, Chenowith, Cuppy, Edmonson, Hamrick, Hardin, Herriman, Holloway, Howell, Jones, Lane, Leviston, Logan, Major, Miller, Morgan of Rush, Murphey, Parks, Read, Rockhill, Verbriek, Winchell, and Wood—29.

*Those who voted in the negative are,*

Messrs. Allison, Bowers, Coffin, Conner, Davis, Ellis, English, Goodenow, Hamer, Henry, Jackson, Montgomery, Moore, Morgan of Decatur, Orth, Pomeroy, Todd, and Zenor—19.

So said report was concurred in.

Mr. Davis, from a select committee, submitted the following report:

MR. PRESIDENT:

The select committee, to whom was referred the petition of Elias Thomasson and others, have had the same under consideration, and have directed me to report the following bill and recommend its passage:



No. 90. A bill for the relief of Victor A. Pepin, of Floyd county;  
Which was read a first time.

On motion by Mr. Davis,  
The rules were suspended, and said bill read a second and third times and passed.

Mr. Parks, from a select committee, submitted the following report:

MR. PRESIDENT:

The select committee, to whom was referred a petition of numerous citizens of Morgan, asking the passage of a special law for said county abolishing the highway tax, have, according to order, had the same under consideration, and have directed me to report the following bill and recommend its passage:

No. 91. A bill abolishing the highway tax in Morgan county;  
Which was read a first and second times, the rules being suspended.

Mr. Morgan of Decatur moved to amend the bill by inserting at the close thereof the words, "at the expense of Morgan county."

Which amendment was adopted.

On motion by Mr. Parks,

The rules were suspended, and the bill read a third time and passed.

Mr. Hamrick offered the following resolution:

WHEREAS, It is now confidently believed that to maintain the rights and honor of America, untouched and unsullied, an appeal to arms is unavoidable; therefore,

Resolved, That the committee on military affairs be requested to enquire into the expediency of so amending and reviving the militia law as to require the early enrolling and training of the militia of this State.

Mr. Allison moved to lay the resolution upon the table;  
Which motion did not prevail.

The question then recurring upon the adoption of the resolution,  
It was decided in the negative.

Mr. Davis offered the following resolution:

Resolved, That the committee on the State Bank be instructed to enquire into the expediency of repealing the 9th section of the 9th chapter of the Revised Statutes of 1843.

Which was adopted.

Mr. Chapman of Daviess offered the following resolution:

Resolved, That the superintendent of the New Albany and Vincennes road report to this Senate the amount due Owen McManners

of Martin county, so soon as practicable, for work done by him on said road;

Which was adopted.

By leave of the Senate,

Mr. Todd presented the petition of Joseph Irwin, praying for relief; which,

On motion by Mr. Todd,

Was referred to the committee on claims.

Mr. Herriman introduced,

No. 92. A bill legalizing the acts of the auditor and school commissioner of Lagrange county;

Which was read a first and second times, (the rules being suspended) and ordered to be engrossed and read a third time on to-morrow.

Mr. Herriman introduced,

No. 93. A bill relative to the water power at Northport, in Noble county;

Which was read a first and second times (the rules being suspended), and,

On motion by Mr. Herriman,

Referred to the committee on canals and internal improvements.

Mr. Buell introduced,

No. 94. A bill to amend an act entitled, "An act incorporating the Dearborn county cotton manufacturing company, and for other purposes," approved February 11, 1843;

Which was read a first time.

On motion by Mr. Buell,

The rules were suspended and the bill read a second time.

Mr. Berry of Franklin moved to amend by adding the following:

"SEC. —. Provided that the directors of said company that shall contract any debts over and above the amount of good and solvent stock subscribed, shall be liable for their payment."

On the adoption of the amendment,

The ayes and noes being called for by Messrs. Conner and Buell,

*Those who voted in the affirmative are,*

Messrs. Akin, Allison, Barbour, Berry of Franklin, Berry of Monroe, Buell, Chapman of Daviess, Cuppy, Davis, Edmonson, English, Goodenow, Hamer, Hamrick, Hardin, Henry, Herriman, Howell, Jackson, Jones, Lane, Leviston, Logan, Major, Miller, Montgomery, Parks, Read, Rockhill, and Wood—30.

*Those who voted in the negative are,*

Messrs. Bowers, Bradbury, Chenowith, Coffin, Conner, Ellis, Holway, Moore, Morgan of Decatur, Morgan of Rush, Murphey, Orth, Pomeroy, Reyburn, Todd, Verbribe, Winchell, and Zenor—18

So said amendment was adopted.



The bill was then ordered to be engrossed and read a third time on to-morrow.

Mr. Davis introduced,

No. 95. A bill for the relief of Martha Ann McCune, of Floyd county;

Which was read a first time.

On motion by Mr. Davis,

The rules were suspended, and the bill read a second and third times, and passed.

Mr. Herriman introduced,

No. 96. A bill to incorporate the Lafayette hydraulic company;

Which was read a first and second times (the rules being suspended), and,

On motion by Mr. Herriman,

Referred to the committee on corporations.

Mr. Morgan of Rush introduced,

No. 97. A bill defining the duties of county treasurer, county auditor, and supervisors of highways;

Which was read a first and second times (the rules being suspended).

Mr. Herriman moved to amend the bill as follows:

"Except in those counties having special road laws;"

Which motion prevailed.

On motion by Mr. Morgan of Rush,

The bill was then referred to the committee on roads.

On motion by Mr. Edmonson,

The messages from the House of Representatives were taken up.

No. 135. A bill (of the House) for the relief of William J. Chaplain;

Read a first and second times (the rules being suspended), and ordered to a third reading on to-morrow.

No. 147. A bill (of the House) in relation to the sale of saline lands in Orange county.

Read a first time.

On motion by Mr. Miller,

The rules were suspended, and the bill read a second and third times, and passed.

No. 145. A joint resolution (of the House) on the subject of procuring a law by Congress in relation to the sale of congressional townships;

Read a first time and ordered to a second reading on to-morrow.

No. 144. A bill (of the House) regulating the duties of county commissioners in this State;

Read a first time and ordered to a second reading on to-morrow.

No. 142. A bill (of the House) changing the time of holding circuit and probate courts in Clark county;

Read a first and second times (the rules being suspended), and,

On motion by Mr. Davis,

Referred to a select committee of Messrs. Davis, Read, and English.

No. 140. A bill (of the House) to provide for taking the sense of the qualified voters of this State on the calling of a convention to alter, revise, or amend the constitution of this State;

Read a first and second times (the rules being suspended).

On motion by Mr. Edmonson,

The bill was referred to the committee on the judiciary.

Mr. Allison, from the committee on enrolled bills, submitted the following report:

MR. PRESIDENT:

The committee on enrolled bills, to which was referred bill No. 34, of the Senate, have compared the enrolled with the engrossed, and find it correctly enrolled.

On motion by Mr. Herriman,

The Senate adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

The Senate met,

And resumed the consideration of the messages from the House of Representatives.

No. 83. A bill (of the House) to amend the twenty-ninth and thirtieth chapters of the Revised Statutes of 1843, and to repeal certain provisions therein named;

Read a first time and ordered to a second reading on to-morrow.

No. 79. A bill (of the House) to regulate the fees of sheriffs in sales of mortgaged premises;

Read a first time and ordered to a second reading on to-morrow.

No. 87. A bill (of the House) to amend the practice in the eleventh judicial circuit;

Read a first time and ordered to a second reading on to-morrow.

No. 151. A bill (of the House) to amend the 1st article of the 50th chapter of the Revised Statutes of 1843;

Read a first time and ordered to a second reading on to-morrow.

No. 104. A bill (of the House) increasing the per diem allowance of grand and petit jurors;

Read a first and second times, the rules being suspended, and,



On motion by Mr. Edmonson,

Referred to the committee on the judiciary.

No. 11. A bill (of the Senate) for the relief of Francis Lafontaine;

The Senate concurred in the following engrossed amendment of the House of Representatives, to-wit:

Amend by adding the following:

"All the privileges and provisions of this act are hereby extended to the widow and children of Francis Godfroy, late of Miami county, deceased."

No. 153. A bill (of the House) for the relief of Felix Ingoldsby;

Read a first time and ordered to a second reading on to-morrow.

No. 50. A bill (of the House) to amend the 1st section of article 1st, chapter 42d, of the Revised Statutes;

Read a first time and ordered to a second reading on to-morrow.

No. 47. A bill (of the House) to extend an act entitled, "An act to provide for a more efficient mode of expending the road tax in the several counties therein named;"

Read a first and second times, the rules being suspended.

On motion by Mr. Herriman,

The bill was referred to a select committee of Messrs. Herriman, Rockhill and Cuppy.

No. 150. A bill (of the House) for the relief of the borrowers of the school funds loaned in the several counties;

Read a first and second times, the rules being suspended.

On motion by Mr. Herriman,

Referred to the committee on education.

No. 107. A bill (of the House) to change the mode of districting hands to perform labor on public roads in Orange county;

Read a first time.

On motion by Mr. Herriman,

The rules were suspended, and the bill read a second and third times, and passed.

No. 114. A bill (of the House) to repeal an act providing for the opening and repairing roads, highways and streams in the counties of Bartholomew, Putnam, Owen, Henry and Perry, approved January 31, 1843;

Read a first and second times, the rules being suspended.

On motion by Mr. Barbour,

The bill was referred to a select committee of Messrs. Barbour, Conner and Major.

No. 116. A bill (of the House) to authorize trustees of congressional township No. 28, north of range 12 east, in Wells county, to lay off a town;

Read a first and second times, the rules being suspended.

On motion by Mr. Rockhill,

The bill was referred to a select committee of Messrs. Rockhill, Herriman and Wood.

No. 119. A bill (of the House) providing for the better preservation of legislative papers;

Read a first and second times, the rules being suspended.

On motion by Mr. Ellis,

The bill was then referred to the committee on the State Library.

No. 120. A bill (of the House) to repeal a certain act therein named;

Read a first time and ordered to a second reading on to-morrow.

No. 121. A bill (of the House) to vacate a certain road in Jefferson county;

Read a first and second times, the rules being suspended, and,

On motion by Mr. Goodenow,

Referred to the committee on roads.

No. 126. A bill (of the House) to dissolve the bonds of matrimony between Jared S. Ryker and Thurse Ann Ryker, of Jefferson county;

Read a first time and ordered to a second reading on to-morrow.

No. 165. A bill (of the House) to change the name of Aberdeen town in Hamilton county;

Read a first and second times, the rules being suspended.

On motion by Mr. Conner,

The bill was referred to a select committee of Messrs. Conner, Montgomery and Reyburn.

No. 129. A bill (of the House) in relation to county orders;

Read a first and second times, the rules being suspended.

On motion by Mr. Conner,

The bill was then referred to the committee on finance.

No. 128. A bill (of the House) declaring a certain road in the county of Dearborn a State road;

Read a first time and ordered to a second reading on to-morrow.

No. 109. A bill (of the House) dissolving the bonds of matrimony between William Martin and Susan Martin of Warrick county;

Read a first time and ordered to a second reading on to-morrow.

No. 164. A bill (of the House) for the relief of purchasers of school lands in Randolph county;

Read a first time and ordered to a second reading on to-morrow.

No. 112. A bill (of the House) to amend a certain act therein named, relative to the duties of county treasurers;

Read a first and second times, the rules being suspended.

On motion by Mr. Morgan of Decatur,

The bill was laid upon the table.

No. 138. A bill (of the House) to revive certain acts relative to writs of ne exeat;

Read a first and second times, the rules being suspended, and,

On motion by Mr. Pomeroy,

Referred to the committee on the judiciary.

No. 131. A bill (of the House) to abolish the office of county auditor in the county of Johnson;



Read a first time.

On motion by Mr. Hardin,

The rules were suspended, and the bill read a second time and ordered to a third reading on to-morrow.

No. 127. A bill (of the House) to abolish the office of county auditor in Ohio county;

Read a first time and ordered to a second reading on to-morrow.

No. 86. A bill (of the House) to authorize the trustees for the Vincennes University to bring suit against the State, and for other purposes;

Read a first time and ordered to a second reading on to-morrow.

Mr. Lane moved to suspend the rules and take from the table,

No. 46. A bill (of the Senate) repealing the law allowing certain fees to county auditors;

Which motion prevailed.

On motion by Mr. Lane,

The bill was then referred to a select committee of Messrs. Lane, Ellis and Morgan of Decatur.

The following message was received from the House of Representatives by Mr. Kinder, their Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House have passed the following engrossed bill of the Senate without amendment:

No. 17. An act to amend the 94th section of chapter 12, of the Revised Statutes of 1843.

The House have passed the following engrossed bill thereof:

No. 110. An act to authorize a re-appraisement and sale of school lands in this State.

In which the concurrence of the Senate is respectfully requested.

#### ORDERS OF THE DAY.

No. 28. A bill (of the Senate) to incorporate the Rising Sun manufacturing company;

Read a third time and passed.

No. 80. A bill (of the Senate) for the relief of Joseph and Maria Rudman, of Franklin county;

Read a third time and passed.

No. 49. A bill (of the Senate) to authorize the re-appraisement of school lands in certain cases;

Read a third time and passed.

No. 5. A joint resolution (of the Senate) on the subject of the Oregon boundary;

Read a third time.

Mr. Ellis moved to commit the joint resolution to the committee on federal relations, with the following instructions:

#### *"A Joint Resolution in relation to Oregon."*

"WHEREAS, Humanity, the spirit of our institutions and of the age, are opposed to war and all its attendant evils; and that nothing will justify a resort to arms except the preservation of national existence, or, what is still dearer to every true American heart, national honor: WHEREAS, ALSO, It has been deemed proper in this particular crisis of our foreign relations to give some expression of the views of the Senate and House of Representatives of the State of Indiana, in relation to our claim to Oregon: Therefore,

"Be it resolved by the General Assembly of the State of Indiana, That the door should not be closed against negotiation to bring about a peaceful settlement of this question, until all honorable means have been used by the Executive of the United States to effect this desirable object, and they have proved unavailing. In that event the citizens of Indiana will, with one heart and one mind, give an unwavering support to the President and Congress of the United States, in all measures it may be deemed most expedient to adopt, to enforce our just claims to Oregon, and to maintain the honor of the nation.

"SEC. 2. Resolved, further, That his Excellency the Governor be requested to transmit a copy of the foregoing preamble and resolution to his Excellency the President of the United States, and to each of our Senators and Representatives in Congress."

On motion by Mr. Herriman,

The joint resolution and pending amendments were laid upon the table.

No. 84. A bill (of the Senate) to authorize the names of insolvent persons to be stricken from the tax duplicates;

Read a third time and passed.

No. 43. A bill (of the Senate) in relation to taking up estrays;

Read a third time and passed.

Mr. Reyburn moved to reconsider the vote by which bill No. 84 was passed;

Which motion did not prevail.

No. 62. A bill (of the Senate) to amend the laws now in force in this State regulating the duties of executors, administrators, and guardians;

Read a third time.

On the passage of the bill,

The ayes and noes being called for by Messrs. Buell and Edmonson,



*Those who voted in the affirmative are,*

Messrs. Akin, Allison, Barbour, Bowers, Bradbury, Chapman of Daviess, Chenowith, Coffin, Conner, Cuppy, Ellis, Hamer, Hamrick, Hardin, Herriman, Holloway, Logan, Major, Moore, Morgan of Decatur, Morgan of Rush, Murphey, Reyburn, Rockhill, Winchell, and Wood—26.

*Those who voted in the negative are,*

Messrs. Berry of Franklin, Buell, Davis, Edmonson, English, Goodenow, Henry, Howell, Jackson, Jones, Lane, Leviston, Montgomery, Orth, Parks, Pomeroy, Read, Todd, Verbriek, and Zenor—20.

So said bill was passed.

No. 68. A bill (of the Senate) to amend the revenue laws;

Read a third time.

On the passage of the bill,

The ayes and noes being called for by Messrs. Herriman and Conner,

*Those who voted in the affirmative are,*

Messrs. Allison, Barbour, Bowers, Bradbury, Buell, Chapman of Daviess, Chenowith, Coffin, Conner, Davis, Ellis, Hardin, Holloway, Howell, Jackson, Lane, Logan, Major, Montgomery, Moore, Morgan of Decatur, Morgan of Rush, Murphey, Parks, Rockhill, Verbriek, Winchell, and Zenor—28.

*Those who voted in the negative are,*

Messrs. Berry of Franklin, Cuppy, Edmonson, English, Goodenow, Hamer, Hamrick, Henry, Herriman, Jones, Leviston, Orth, Pomeroy, Read, Reyburn, Todd, and Wood—14.

So the bill was passed.

No. 66. A bill (of the Senate) to extend further time to borrowers of the sinking fund;

Read a third time.

On the passage of the bill,

The ayes and noes being called for by Messrs. Herriman and Akin,

*Those who voted in the affirmative are,*

Messrs. Allison, Berry of Franklin, Bowers, Bradbury, Buell, Chapman of Daviess, Chenowith, Coffin, Conner, Ellis, English, Hamrick, Holloway, Howell, Jackson, Jones, Lane, Montgomery,

Moore, Morgan of Decatur, Morgan of Rush, Murphey, Parks, Pomeroy, Read, Reyburn, Todd, Verbriek, and Winchell—29.

*Those who voted in the negative are,*

Messrs. Akin, Barbour, Cuppy, Davis, Edmonson, Goodenow, Hamer, Hardin, Henry, Herriman, Leviston, Logan, Major, Orth, Rockhill, Wood, and Zenor—17.

So said bill was passed.

No. 94. A bill (of the Senate) to amend an act entitled, "An act incorporating the Dearborn county cotton manufacturing company, and for other purposes," approved February 11, 1843;

Read a third time and passed.

No. 92. A bill (of the Senate) legalizing the acts of the auditor and school commissioner of Lagrange county;

Read a third time and passed.

The President laid before the Senate the communication of the commissioners of the State Lunatic Asylum.

On motion by Mr. Ellis,

It was laid upon the table and five hundred copies ordered to be printed for the use of the Senate.

On motion by Mr. Parks,

The Senate adjourned until to-morrow morning at 9 o'clock.

TUESDAY MORNING, DEC. 23, 1845.

The Senate assembled.

The Journal of the preceding day was read.

Mr. Conner presented the petition of sundry citizens of the county of Hamilton, in relation to the collection of the revenue.

On motion by Mr. Conner,

The petition was referred to the committee on finance.

Mr. Goodenow presented the petition of sundry citizens of Jefferson county, in relation to a road therein named.

On motion by Goodenow,

The petition was referred to the committee on roads.

Mr. Conner presented the petition of sundry citizens of Hamilton county, in relation to a certain State road therein named.



On motion by Mr. Conner,

The petition was referred to a select committee of Messrs. Conner, Montgomery, and Chapman of Laporte.

Mr. Chapman of Laporte presented the petition of sundry citizens of Laporte county, in relation to the amendment of the criminal laws of this State.

On motion by Mr. Chapman of Laporte,

The petition was laid upon the table.

Mr. Leviston presented the petition of sundry citizens of Fayette county, in relation to vacating a part of the town of Waterloo, in said county.

On motion by Mr. Leviston,

The petition was referred to a select committee of Messrs. Leviston, Zenor, and Wood.

Mr. Akin, chairman of the committee on finance, submitted the following report:

MR. PRESIDENT:

The committee on finance, to whom was referred bill of the Senate No. 85, have considered the same, and have instructed me to report it back for the action of the Senate, and ask to be discharged from the further consideration thereof.

On motion by Mr. Chapman of Laporte,

The bill was recommitted to the committee on finance, with instructions to enquire into its constitutionality.

Mr. Davis, from the committee on the judiciary, submitted the following report:

MR. PRESIDENT:

The judiciary committee, to whom was referred a resolution of the Senate instructing them to enquire whether there is at this time any law in force authorizing the revaluation of real estate, &c., have had the same under consideration, and have directed me to report that said committee are of the opinion that there is no such law now in force, but as the same subject is before the Senate by a bill of the House, your committee ask to be discharged from the further consideration of said resolution.

Which report was concurred in.

Mr. Berry of Monroe, from the committee on the judiciary, submitted the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred a resolution of the Senate instructing them to report a bill prohibiting the sinking fund commissioners from releasing parts of real estate mortgaged to secure the payment of bank stock until the full payment of the amount for which they were mortgaged, have had that subject under consideration, and directed me to report the following bill:

No. 98. A bill to prohibit the Sinking Fund Commissioners from relinquishing mortgaged lands in certain cases;

Which was read a first time and ordered to a second reading on to-morrow.

Mr. Logan, chairman of the committee on claims, submitted the following report:

MR. PRESIDENT:

The committee on claims, to whom was referred a bill of the Senate No. 81, entitled, "A bill for the remuneration of Sylvester House, of Syracuse, New York, for the arrest of Joseph Gould, a fugitive from justice from Indiana," and the account of Abijah Van Ness and James W. Dunn, for services rendered and money expended in going to the State of New York after Joseph Gould, a fugitive from justice, with a requisition from the Governor; and also the account of James P. Gregory and Alexander Chamberlain for money expended and services rendered in going to Peru, in the State of Illinois, after Williams and others, that escaped from the sheriff of Fulton county on the way to the State penitentiary, have, according to order, had the same under consideration, and directed me to report the same back to the Senate with the following amendments, and they having been concurred in by the Senate, recommend the passage of the bill:

Amend as follows: Strike out of the first section "three" and insert "one."

Add the following sections:

"SEC. —. *And be it further enacted*, That the Treasurer of State pay to Abijah Van Ness one hundred and forty-nine dollars for money expended and services rendered in going to the State of New York after Joseph Gould, a fugitive from justice, with a requisition from the Governor; also, to James W. Dunn, for services rendered and money expended in accompanying the said Abijah Van Ness to New York after the said Joseph Gould, ninety dollars.

"SEC. —. The Treasurer of State will also pay to James P. Gregory and Alexander Chamberlain sixty-one dollars for services ren-



dered and money expended in going to Peru, Illinois, after Williams and others, that escaped from the sheriff of Fulton county, on the way to the State penitentiary, out of any money not otherwise appropriated."

Mr. Orth moved to concur in the report of the committee, and amend the amendment to the first section of the bill by striking out "one hundred," and insert the words "two hundred."

Which amendment was adopted, and the report was then concurred in.

The said bill was then ordered to be engrossed and read a third time on to-morrow.

Mr. Bowers, from the committee on claims, submitted the following report:

**MR. PRESIDENT:**

The committee on claims, to whom was referred bill of the Senate No. 40, entitled, "A bill supplemental to an act for the relief of Nathan Burchfield," approved February 11, 1843, have had the same under consideration, and have directed me to report the same back to the Senate and recommend its indefinite postponement.

On the question to concur in said report,

The ayes and noes being called for by Messrs. Coffin and Pomeroy,

*Those who voted in the affirmative are,*

Messrs. Berry of Franklin, Bowers, Buell, Chapman of Daviess, Chapman of Laporte, Conner, Cuppy, Edmonson, English, Hamrick, Handy, Hardin, Henry, Herriman, Howell, Jackson, Lane, Leviston, Logan, Morgan of Decatur, Morgan of Rush, Murphey, Parks, Read, and Wood—25.

*Those who voted in the negative are,*

Messrs. Akin, Allison, Barbour, Berry of Monroe, Bradbury, Chenowith, Coffin, Davis, Ellis, Goodenow, Hamer, Holloway, Jones, Miller, Montgomery, Moore, Orth, Pomeroy, Reyburn, Rockhill, Todd, Verbriek, Winchell, and Zenor—24.

So said report was concurred in.

The following message was received from the House of Representatives by Mr. Kinder, their Clerk:

**MR. PRESIDENT:**

I am directed by the House of Representatives to inform the

Senate that the Speaker of the House of Representatives has signed the following enrolled bills thereof:

No. 40. An act for the relief of certain purchasers of school lands in Vanderburgh county therein named;

No. 113. An act to change the time of holding circuit courts in the county of Adams;

No. 17. An act for the relief of the heirs of William Pinnick, deceased, of Orange county;

No. 100. A bill to amend an act entitled, "An act to change the time of holding the probate court in the county of Martin," approved January 13, 1845;

No. 75. An act to dissolve the bonds of matrimony existing between Leonard Crawford and Frances Crawford of Vigo county, Indiana;

No. 96. An act for the relief of John Drummonds;

No. 94. An act to change the mode of appointing examiners of common school teachers in Orange county;

No. 97. An act to locate a State road in Tippecanoe county;

No. 54. An act to change the time of holding the probate courts in the counties of Perry and Harrison;

No. 160. An act authorizing the county board of St. Joseph county to employ a physician for the poor;

No. 74. An act to alter the width of the State road from Connersville to St. Omar;

No. 101. An act to change the name of Edward C. Hawkins and Edward Musseth;

No. 80. An act to dissolve the bonds of matrimony between John G. Keller and Elizabeth Keller;

No. 159. An act to dissolve the bonds of matrimony existing between Nancy Casto and Jonathan Casto;

Which I am directed to bring to the Senate for the signature of the President thereof thereto.

Mr. Buell, chairman of the committee on the State bank, submitted the following report:

**MR. PRESIDENT:**

The committee on the State bank, to whom was referred, from the the committee on unfinished business, a bill further to extend to the State bank of Indiana the privilege of issuing notes of a less denomination than five dollars, have had the same under consideration, and have directed me to report that a majority of said committee are of opinion that the privilege is extended by the present laws, and therefore have directed me to report that legislation is unnecessary on the subject, and ask to be discharged from the further consideration thereof.

Which report was concurred in.



Mr. Bowers moved to reconsider the vote by which the report of the committee on claims was concurred in, indefinitely postponing bill No. 40.

The ayes and noes being called for by Messrs. Herriman and Coffin,

*Those who voted in the affirmative are,*

Messrs. Akin, Allison, Barbour, Berry of Monroe, Bowers, Bradbury, Chenowith, Coffin, Davis, Ellis, English, Goodenow, Hamer, Hardin, Henry, Holloway, Jackson, Jones, Miller, Montgomery, Moore, Orth, Pomeroy, Reyburn, Todd, Verbriake, Winchell, and Zenor—28.

*Those who voted in the negative are,*

Messrs. Berry of Franklin, Buell, Chapman of Daviess, Chapman of Laporte, Conner, Cuppy, Edmonson, Hamrick, Handy, Herriman, Howell, Lane, Leviston, Logan, Major, Morgan of Decatur, Morgan of Rush, Murphey, Parks, Read, Rockhill, and Wood—22.

So said vote was reconsidered.

The question then recurring on concurring in the report,

The ayes and noes were called for by Messrs. Coffin and Pomeroy.

*Those who voted in the affirmative are,*

Messrs. Berry of Franklin, Buell, Chapman of Daviess, Chapman of Laporte, Conner, Cuppy, Edmonson, Hamrick, Handy, Hardin, Herriman, Jackson, Lane, Leviston, Logan, Major, Morgan of Decatur, Morgan of Rush, Murphey, Parks, Read, Rockhill, and Wood—23.

*Those who voted in the negative are,*

Messrs. Akin, Allison, Barbour, Berry of Monroe, Bowers, Bradbury, Chenowith, Coffin, Davis, Ellis, English, Goodenow, Hamer, Henry, Holloway, Howell, Jones, Miller, Montgomery, Moore, Orth, Pomeroy, Reyburn, Todd, Verbriake, Winchell, and Zenor—27.

So said report was not concurred in.

On motion by Mr. Coffin,

The bill was then referred to a select committee of Messrs. Coffin, Bradbury, and Chenowith.

The following message was received from the House of Representatives, by Mr. Kinder, their Clerk:

MR. PRESIDENT:

I am instructed by the House of Representatives to inform the

Senate that the House have passed the following engrossed bills thereof:

No. 69. An act in relation to a contractor on the Madison and Indianapolis railroad;

No. 81. An act to provide for the leasing of water power on the Wabash and Erie canal;

No. 103. An act to modify the thirtieth section, chapter sixteen, of the Revised Statutes;

No. 156. An act for the relief of purchasers of canal lands lying in the county of Cass;

No. 157. An act incorporating the Logansport and Rochester Michigan road company;

No. 182. An act to legalize certain deeds therein named;

No. 185. An act to amend an act therein named;

No. 204. An act defining the boundaries between the counties of Clark and Washington;

No. 183. An act to correct the boundary line of Richardville county;

No. 211. An act to revive part of an act therein named in the county of Dearborn;

No. 212. An act transferring the duties of school commissioner of Daviess and Martin counties to the treasurers of said counties;

In which the concurrence of the Senate is respectfully requested.

The House have also passed, without amendment, engrossed bills of the Senate:

No. 57. An act authorizing the commissioners in the counties of Fountain and Jefferson to employ a physician for the benefit of the paupers at the asylums in said counties;

No. 18. An act to authorize the sale of school lands in township two south, of range one west, in the county of Crawford.

The House have also concurred in the amendments of the Senate to bills of the House of the following titles:

No. 22. An act to change the time of holding probate courts in Dubois county;

No. 13. An act relative to the probate courts of Jackson and Greene counties;

No. 29. An act to restrict the operation of an act entitled, "An act relative to the appointment of county commissioners of the several counties in this State to act as boards of library trustees in their respective counties, and for other purposes," approved January 6, 1845.

Mr. Edmonson, chairman of the committee on corporations, submitted the following report:



MR. PRESIDENT:

The committee on corporations, to whom was referred bill of the Senate No. 71, "A bill to incorporate the Crawfordsville and Wabash railroad company," have had the same under consideration, and have directed me to report the same back to the Senate, without amendment, and recommend its passage.

The bill was then ordered to be engrossed and read a third time on to-morrow.

Mr. Berry of Franklin, from the committee on corporations, submitted the following report:

MR. PRESIDENT:

The committee on corporations, to whom was referred bill No. 73, entitled, "A bill to incorporate the Peru and Indianapolis railroad company," have had that subject under consideration, and a majority have directed me to report it back to the Senate, with one amendment, which, when concurred in, they recommend its passage. Add:

"SEC. —. The directors in said company that shall contract any debts over and above the amount of solvent stock subscribed and secured, shall be liable for the payment of such excess; and the Legislature reserves the right to alter, amend, or repeal this act."

Mr. Chapman of Laporte moved to concur in the report, with the following amendment:

Strike out the word "subscribed," and insert the words "paid in."

Which amendment was adopted, and the report concurred in.

The bill was then ordered to be engrossed and read a third time on to-morrow.

Mr. Akin, from the committee on corporations, submitted the following report:

MR. PRESIDENT:

The committee on corporations, to whom was referred bill of the House No. 108, entitled, "A bill to incorporate the Terre Haute Greys," have had the same under consideration, and have instructed me to report the same back to the Senate and recommend its passage.

On motion by Mr. Akin,

The rules were suspended, and the bill read a third time and passed.

Mr. Ellis, from the minority of the committee on the judiciary, submitted the following report:

MR. PRESIDENT:

The minority of the committee on the judiciary, to which committee had been referred a resolution upon the subject of repealing so much of the one hundred and forty-first section of article five, of chapter thirty-five, of the Revised Statutes, as makes it imperative that "apprentices shall be instructed in the general rules of arithmetic, at least to the double rule of three, inclusive," respectfully submit that they have felt constrained to dissent from the views of the majority of said committee. The minority feel the great importance of having the youth of the country so instructed, and that the Legislature should lose no opportunity to promote this desirable object.

The existing provision sought to be repealed, the minority is confident, defeats its own object, by placing the requisition so high that many poor children are deprived of not only the means of being instructed at all, but even of a home.

Entertaining these views, the minority respectfully submit the following bill and recommend its passage:

No. 99. A bill amendatory of an act relative to masters and apprentices, approved February 11, 1843;

Which was read a first time and ordered to a second reading on to-morrow.

Mr. Leviston, from a select committee, submitted the following report:

MR. PRESIDENT:

The select committee, to whom was referred a petition of William Port and others, praying for the vacation of a part of the town of Waterloo, in Fayette county, have had that subject under consideration, and have directed me to report a bill in accordance with the prayer of the petitioners:

No. 100. A bill to vacate a part of the town of Waterloo, in Fayette county;

Which was read a first time.

On motion by Mr. Leviston,

The rules were suspended, and the bill read a second and third times, and passed.

Mr. Berry of Franklin, from a select committee, submitted the following report:



MR. PRESIDENT:

The select committee, to whom was referred the petition of B. Coterill, praying the passage of an act for the relief of Nancy McCleery, have had that subject under consideration, and directed me to report the following bill and recommend its passage:

No. 101. A bill for the relief of the heirs of James McCleery, of the county of Franklin;

Read a first time.

On motion by Mr. Berry of Franklin,

The rules were suspended, and the bill read a second and third times, and passed.

Mr. Ellis, from a select committee, submitted the following report:

MR. PRESIDENT:

The select committee, to whom was referred Senate bill No. 46, repealing the law allowing certain fees to county auditors, report that they have taken the same under consideration, and have instructed me to report the same to the Senate with the following amendments, and recommend its passage:

Strike out, "be and the same are hereby repealed," and insert, "be so amended that said auditors shall be allowed ten cents for the first lot or tract so entered and transferred, and five cents for every additional tract or lot in the same deed of conveyance."

Which report was concurred in.

Said bill was then ordered to be engrossed and read a third time on to-morrow.

Mr. Barbour, from a select committee, submitted the following report:

MR. PRESIDENT:

The select committee, to whom was referred bill of the House No. 114, have had the same under consideration, and have directed me to report the same back, proposing the following amendment, and, when it is adopted, to recommend the passage of said bill:

Amend the second section by adding:

"And except so much of the 103d section of said chapter as requires the board of county commissioners to assess real estate with a highway tax, leaving it discretionary with the board of county commissioners of the county of Bartholomew to assess any such tax or not."

Which report was concurred in, and the bill ordered to a third reading on to-morrow.

Mr. Herriman, from a select committee, submitted the following report:

MR. PRESIDENT:

The select committee, to whom was referred a bill of the Senate entitled, "An act to amend an act in relation to county treasurers," have had the same under consideration, and directed me to report the same back to the Senate with one amendment, and recommend its passage:

Strike out from enacting clause and insert the following:

"A bill in relation to the fees of county treasurers in certain counties therein named:

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the board of commissioners in the counties of Noble, Lagrange, Steuben, Dekalb, Laporte, Porter, and Lake shall be authorized to allow the county treasurers in their respective counties such sum as they shall deem reasonable, for receiving supervisors' receipts, to be paid out of their respective county treasuries.

"SEC. 2. The provisions of this act shall apply to the year 1845 as well as all subsequent years."

Which report was concurred in.

Mr. Herriman, from a select committee, submitted the following report:

MR. PRESIDENT:

The select committee, to whom was referred bill No. 47, of the House of Representatives, have, according to order, had the same under consideration, and directed me to report the same back and recommend its passage.

Said bill was then ordered to a third reading on to-morrow.

Mr. Murphey, from a select committee, submitted the following report:

MR. PRESIDENT:

The select committee, to whom was referred the petition of Joseph Gossett and others of the county of Henry, praying that Absalom Paynter of said county may be allowed for materials furnished and services rendered in the erection of a bridge over Honey creek, in said county, have had the same under consideration, and have directed me to report the following bill and recommend its passage:



No. 102. A bill for the relief of Absalom Paynter, of Henry county;

Which was read a first time and ordered to a second reading on to-morrow.

Mr. Rockhill, from a select committee, submitted the following report:

Mr. PRESIDENT:

The select committee, to whom was referred the petition of sundry citizens of Allen county, on the subject of the surplus revenue fund due from the former agent of said county, have had that subject under consideration, and have directed me to report the following bill and recommend its passage:

No. 103. A bill to authorize the agent of the surplus revenue fund of Allen county to accept a conveyance of certain real estate;  
Which was read a first time.

On motion by Herriman,

The rules were suspended, and the bill read a second time.

On motion by Mr. Rockhill,

The bill was then referred to the committee on education.

Mr. Buell offered the following resolution:

*Resolved*, That the President of the State bank be requested to furnish the Senate with the proceedings of the State board at their session in November last, with the memorandum books of the examiner made at the last examination of the branches at Lafayette and Michigan City; also, that he communicate to the Senate what branches have failed to hold stated meetings of their board and have acted without a quorum;

*Second*. And have taken bills of exchange without acceptance or endorsement:

*Third*. What explanations were made for such omissions and conduct:

*Fourth*. In what branches is it considered that the liabilities of directors and officers is too great, and are there any cases in which such liabilities have not been reduced faster than the profits over and above six per cent. would do so, if so, name them.

Which was adopted.

Mr. Akin offered the following resolution:

*Resolved*, That the committee on the judiciary be respectfully requested to enquire into the expediency of making the certificate of the State Librarian sufficient voucher in certain cases, as suggested by the Auditor of State in his annual report (at page 11) of October 31, 1845.

Which was adopted.

Mr. Todd offered the following resolution:

*Resolved*, That the Superintendent of common schools be, and he is hereby requested, to communicate to the Legislature any information he may be in possession of, either officially or unofficially received, in regard to the common schools of this State and the manner of conducting them.

Which was adopted.

Mr. Pomeroy offered the following resolution:

*Resolved*, That the committee on the judiciary be instructed to enquire into the expediency of reporting a joint resolution instructing our Senators and requesting our Representatives in Congress, to use their influence in favor of the passage of a law requiring a transcript of all judgments which shall hereafter be rendered in the circuit or district court of the United States, for the State of Indiana, to be filed and recorded in the clerk's office of the several counties in said State of Indiana, before the same shall operate as a lien on real estate situate in the several counties thereof, except the county of Marion.

Which was adopted.

Mr. Ellis offered the following resolution:

*Resolved*, That the committee on the judiciary be instructed to enquire into the expediency of reducing the clerk's fees of the probate court, and especially so as to make the same conform to the American coinage, and report by bill or otherwise.

Which was adopted.

Mr. Rockhill introduced,

No. 104. A bill to incorporate the Fort Wayne and Lima turnpike company;

Which was read a first and second times (the rules being suspended).

On motion by Mr. Rockhill,

The bill was referred to the committee on corporations.

Mr. Jones introduced,

No. 105. A bill to locate a State road in the counties of Fountain and Warren;

Which was read a first time.

On motion by Mr. Jones,

The rules were suspended and the bill read a second time.

On motion by Mr. Jones,

The bill was then referred to a select committee of Messrs. Jones, Montgomery, and Reyburn.

Mr. Chapman of Daviess introduced,

No. 106. A bill abolishing the road tax in the county of Daviess;

Which was read a first time.

On motion by Mr. Chapman of Daviess,

The rules were suspended and the bill read a second time.



Mr. Reyburn moved to commit said bill to the committee on roads;

Which motion did not prevail.

On motion by Mr. Chapman of Daviess,

The bill was referred to a select committee of Messrs. Chapman of Daviess, Buell, and Reyburn.

Mr. Montgomery introduced,

No. 107. A bill for the suppression and prevention of sham pleading;

Which was read a first time.

On motion by Mr. Montgomery,

The rules were suspended and the bill read a second time.

On motion by Mr. Montgomery,

The bill was then referred to the committee on the judiciary.

Mr. Pomeroy introduced,

No. 108. A bill to amend an act entitled, "An act to locate a State road in the county of Marshall," approved January 13, 1845;

Which was read a first time.

On motion by Mr. Pomeroy,

The rules were suspended, and the bill read a second and third times, and passed.

On motion by Mr. Reyburn,

No. 67. A bill (of the Senate) to apportion Senators and Representatives for the next five years,

Was taken from the table.

Mr. Chapman of Laporte moved to commit the bill to the select committee on that subject.

The ayes and noes being called for by Messrs. Chapman of Laporte and Herriman,

*Those who voted in the affirmative are,*

Messrs. Akin, Allison, Barbour, Berry of Monroe, Chapman of Daviess, Chapman of Laporte, Cuppy, Handy, Hardin, Henry, Holloway, Jones, Pomeroy, Verbribe, and Zenor—15.

*Those who voted in the negative are,*

Messrs. Berry of Franklin, Bowers, Bradbury, Buell, Chenowith, Coffin, Conner, Davis, Edmonson, Ellis, English, Goodenow, Hamer, Hamrick, Herriman, Howell, Jackson, Lane, Leviston, Logan, Major, Miller, Montgomery, Moore, Morgan of Decatur, Morgan of Rush, Murphey, Orth, Read, Reyburn, Rockhill, Todd, Winchell, and Wood—34.

So said bill was not so committed.

Mr. Reyburn moved to amend the bill as follows:

First amendment: After the word "Representative," in the 38th line, in the third section, insert, "in the years 1847 and 1849, and one in the years 1846, 1848, and 1850."

Second amendment: After the word "shall," in the 41st line of the third section, insert, "each elect one Representative in the years 1846, 1848, and 1850."

After the word "Representative," in the 42d line, insert, "in the years 1847 and 1849."

Mr. Handy moved that the Senate now adjourn;

Which motion did not prevail.

Mr. Henry moved to amend the amendment as follows:

Amend by striking out so much of the bill as relates to Switzerland county, and insert, in the proper place, "that the county of Switzerland shall be entitled to one Senator and one Representative."

Which amendment was not adopted.

The question then recurred upon the adoption of Mr. Reyburn's amendments;

Which were adopted.

Mr. Montgomery moved to amend the bill by striking out the word "Stark" in the 27th line of the first section.

Mr. Pomeroy moved to amend the amendment as follows:

Amend so as to attach the county of Stark to the county of Marshall for senatorial representation;

Which amendment was accepted by Mr. Montgomery.

Pending which,

Mr. Herriman moved to refer the bill to the committee of the whole,

And make it the order of the day for two o'clock, P. M.

The ayes and noes being called for by Messrs. Chapman of Laporte and Barbour,

*Those who voted in the affirmative are,*

Messrs. Akin, Berry of Franklin, Bowers, Bradbury, Buell, Chapman of Daviess, Chenowith, Coffin, Conner, Davis, Edmonson, Ellis, English, Goodenow, Hamrick, Handy, Henry, Herriman, Howell, Jackson, Jones, Lane, Miller, Montgomery, Moore, Morgan of Decatur, Morgan of Rush, Murphey, Orth, Reyburn, Rockhill, Todd, Verbribe, Winchell, Wood, and Zenor—36.

*Those who voted in the negative are,*

Messrs. Allison, Barbour, Berry of Monroe, Chapman of Laporte, Cuppy, Hamer, Hardin, Holloway, Leviston, Logan, Major, Pomeroy, and Read—13.

So the bill was referred to the committee of the whole, and made the order of the day for two o'clock.

On motion by Mr. Verbribe,

The Senate adjourned until 2 o'clock, P. M.



2 o'clock, P. M.

The Senate met.

Mr. Ellis moved a call of the Senate;

Which was ordered.

All the Senators answering to their names,

The further call was suspended.

The Senate then, according to order, resolved itself into committee of the whole on

No. 67. A bill to apportion Senators and Representatives for the next five years;

Mr. Read in the chair.

After some time spent in the consideration thereof, the committee rose, the President resumed the chair, and the Chairman reported that the committee had, according to order, had under consideration the said bill, and had adopted the following amendments, in which he was directed to ask the concurrence of the Senate:

First. Amend by attaching the county of Stark to the county of Marshall for senatorial purposes.

Second. The county of Sullivan shall elect one Representative in the years 1847 and 1850, and two Representatives in the years 1846, 1848, and 1849.

The Senate concurred in the foregoing amendments.

Third. Amend the third line of section three by inserting "1848" after the figures "1847."

Amend line 28, by striking out the words "and one additional one in the year 1848," where they first occur.

On the question to concur in said amendment,

The ayes and noes were called for by Messrs. Holloway and Hardin.

*Those who voted in the affirmative are,*

Messrs. Allison, Bowers, Bradbury, Chapman of Laporte, Chenowith, Coffin, Conner, Davis, Ellis, Goodenow, Hamer, Hamrick, Henry, Holloway, Montgomery, Moore, Morgan of Decatur, Morgan of Rush, Murphey, Orth, Pomeroy, Reyburn, Todd, Verbribe, Winchell, and Zenor—26.

*Those who voted in the negative are,*

Messrs. Akin, Barbour, Berry of Franklin, Berry of Monroe, Buell, Chapman of Daviess, Cuppy, Edmonson, English, Handy, Hardin, Herriman, Howell, Jackson, Jones, Lane, Leviston, Logan, Major, Miller, Parks, Read, Rockhill, and Wood—24.

So said amendment was concurred in by the Senate.

Mr. Goodenow moved to amend the bill as follows:

Amend the 24th line, by inserting, after the number "1846," the number "1848," and after the number "1849," the number "1850."

And amend the 17th line, by striking out "1850;" and amend the 32d line by striking out the number "1848."

On the adoption of the amendment,

The ayes and noes being called for by Messrs. Goodenow and Chapman of Laporte,

*Those who voted in the affirmative are,*

Messrs. Allison, Bowers, Bradbury, Chapman of Laporte, Chenowith, Coffin, Conner, Davis, Ellis, Goodenow, Hamer, Hamrick, Henry, Holloway, Montgomery, Moore, Morgan of Decatur, Morgan of Rush, Murphey, Orth, Pomeroy, Todd, Verbribe, Winchell, and Zenor—25.

*Those who voted in the negative are,*

Messrs. Akin, Barbour, Berry of Franklin, Berry of Monroe, Buell, Chapman of Daviess, Cuppy, Edmonson, English, Handy, Hardin, Herriman, Howell, Jackson, Jones, Lane, Leviston, Logan, Major, Miller, Parks, Read, Reyburn, Rockhill, and Wood—25.

So said amendment was not adopted.

Mr. Herriman moved to commit the bill to the select committee on the same subject.

The ayes and noes being called for by Messrs. Herriman and Bowers,

*Those who voted in the affirmative are,*

Messrs. Akin, Barbour, Berry of Franklin, Berry of Monroe, Buell, Chapman of Daviess, Chapman of Laporte, Coffin, Cuppy, Goodenow, Hardin, Henry, Herriman, Howell, Jackson, Jones, Lane, Leviston, Major, Parks, Read, Rockhill, Todd, Verbribe, and Wood—25.

*Those who voted in the negative are,*

Messrs. Allison, Bowers, Bradbury, Chenowith, Conner, Davis, Edmonson, Ellis, English, Hamer, Hamrick, Handy, Holloway, Logan, Miller, Montgomery, Moore, Morgan of Decatur, Morgan of Rush, Murphey, Orth, Pomeroy, Reyburn, Winchell, and Zenor—25.

So said bill was not so committed.

Mr. Chapman of Laporte moved to amend the bill as follows:



"Strike out Dubois and Perry from the 3d section of the bill and add the following:

"The counties of Dubois and Perry shall jointly elect one Representative in the years 1847 and 1849; and said counties shall each elect one Representative in the years 1846, 1848 and 1850; and also strike out all that relates to the county of Laporte in the 14th, 15th and 16th lines of the 3d section, and insert the word "Laporte" after the word "Clarke" in the 5th line of said section."

The ayes and noes being called for by Messrs. Chapman of Laporte and Holloway,

*Those who voted in the affirmative are,*

Messrs. Allison, Bowers, Bradbury, Chapman of Laporte, Chenowith, Coffin, Conner, Davis, Ellis, Goodenow, Hamer, Hamrick, Henry, Herriman, Holloway, Montgomery, Moore, Morgan of Decatur, Morgan of Rush, Murphey, Orth, Pomeroy, Reyburn, Todd, Verbriek, Winchell, and Zenor—27.

*Those who voted in the negative are,*

Messrs. Akin, Barbour, Berry of Franklin, Berry of Monroe, Buell, Chapman of Daviess, Cuppy, Edmonson, English, Handy, Hardin, Howell, Jackson, Jones, Lane, Leviston, Logan, Major, Miller, Parks, Read, Rockhill, and Wood—23.

So the amendment was adopted.

Mr. Miller moved to amend the bill as follows:

"Amend the 3d section and 36th line so that Orange and Crawford counties shall each elect one Representative; and in 1847 Orange county to elect two Representatives and Posey one."

Mr. Lane moved to lay the bill and pending amendment upon the table;

The ayes and noes being called for by Messrs. Lane and Howell,

*Those who voted in the affirmative are,*

Messrs. Akin, Allison, Berry of Franklin, Berry of Monroe, Chapman of Daviess, Edmonson, English, Handy, Hardin, Henry, Herriman, Howell, Jackson, Lane, Leviston, Major, Miller, Parks, Read, and Rockhill—20.

*Those who voted in the negative are,*

Messrs. Barbour, Bowers, Bradbury, Buell, Chapman of Laporte, Chenowith, Coffin, Conner, Cuppy, Davis, Ellis, Goodenow, Hamer, Hamrick, Holloway, Jones, Logan, Montgomery, Moore, Morgan of

Decatur, Morgan of Rush, Murphey, Orth, Pomeroy, Reyburn, Todd, Verbriek, Winchell, Wood, and Zenor—30.

So the motion to lay upon the table did not prevail.

Mr. Lane moved to refer the bill and pending amendment to the select committee on the same subject.

Mr. Morgan of Decatur called for a division of the question;

The question then recurring upon referring,

The ayes and noes being called for by Messrs. Lane and Davis,

*Those who voted in the affirmative are,*

Messrs. Akin, Allison, Berry of Franklin, Berry of Monroe, Chapman of Daviess, Cuppy, Edmonson, English, Handy, Hardin, Henry, Herriman, Jackson, Lane, Leviston, Major, Miller, Parks, Read, Rockhill, and Wood—21.

*Those who voted in the negative are,*

Messrs. Barbour, Bowers, Bradbury, Buell, Chapman of Laporte, Chenowith, Coffin, Conner, Davis, Ellis, Goodenow, Hamer, Hamrick, Holloway, Howell, Jones, Logan, Montgomery, Moore, Morgan of Decatur, Morgan of Rush, Murphey, Orth, Pomeroy, Reyburn, Todd, Verbriek, Winchell, and Zenor—29.

So the bill and amendment were not referred.

Mr. Berry of Monroe moved to lay Mr. Miller's amendment upon the table;

Which motion prevailed.

Mr. Coffin moved to amend the bill as follows:

Amend by striking out the word "Vermillion" in the second line of the 3d section, and insert at the end of the 46th line, "the county of Vermillion shall be entitled to two Representatives in the years 1848, 1849 and 1850; and providing that the county of Clark shall be entitled to but one Representative for each of said years, 1848, 1849 and 1850."

On motion by Mr. Lane,

The bill and pending amendment were laid upon the table.

On motion by Mr. Lane,

The communication of his Excellency, the Governor, accompanied by a certain report in relation to the survey of the Wabash and Erie canal from Terre Haute to Evansville, was taken from the table, and one hundred copies thereof ordered to be printed.

Mr. Herriman moved that the Senate adjourn;

Which motion did not prevail.

Mr. Berry of Franklin moved that the Senate now adjourn;

Which motion did not prevail.

Mr. Chapman of Laporte moved to take from the table bill No. 67, and pending amendment;



The ayes and noes being called for by Messrs. Chapman of Laporte and Buell,

*Those who voted in the affirmative are,*

Messrs. Barbour, Berry of Monroe, Bowers, Bradbury, Buell, Chapman of Daviess, Chapman of Laporte, Chenowith, Coffin, Conner, Davis, Ellis, English, Goodenow, Hamer, Hamrick, Handy, Holloway, Howell, Jones, Lane, Montgomery, Moore, Morgan of Decatur, Morgan of Rush, Murphey, Orth, Pomeroy, Reyburn, Todd, Verbriek, Winchell, and Zenor—33.

*Those who voted in the negative are,*

Messrs. Akin, Allison, Berry of Franklin, Cuppy, Edmonson, Hardin, Henry, Herriman, Jackson, Leviston, Logan, Major, Miller, Parks, Read, and Wood—16.

So the bill and amendment were taken from the table.

Mr. Handy moved that the Senate now adjourn;

Which motion did not prevail.

Mr. Hamer moved to amend the amendment of Mr. Coffin as follows:

Amend the 36th line so as to read, "the county of Orange and Crawford shall elect one Representative each," instead of electing two Representatives jointly.

Mr. Herriman moved that the Senate adjourn;

The ayes and noes being called for by Messrs. Herriman and Berry of Franklin,

*Those who voted in the affirmative are,*

Messrs. Akin, Berry of Franklin, Chapman of Daviess, Conner, Cuppy, Edmonson, English, Handy, Hardin, Herriman, Howell, Jackson, Lane, Leviston, Logan, Miller, Parks, Read, and Wood—19.

*Those who voted in the negative are,*

Messrs. Allison, Barbour, Berry of Monroe, Bowers, Bradbury, Buell, Chapman of Laporte, Chenowith, Coffin, Davis, Ellis, Goodenow, Hamer, Hamrick, Henry, Holloway, Jones, Montgomery, Moore, Morgan of Decatur, Morgan of Rush, Murphey, Orth, Pomeroy, Reyburn, Todd, Verbriek, Winchell, and Zenor—29.

So the Senate refused to adjourn.

Mr. Herriman moved that the Senate now adjourn;

The ayes and noes being called for by Messrs. Herriman and Berry of Franklin,

*Those who voted in the affirmative are,*

Messrs. Berry of Franklin, Berry of Monroe, Chapman of Daviess, Conner, Cuppy, Edmonson, English, Handy, Hardin, Henry, Herriman, Howell, Jackson, Lane, Leviston, Logan, Major, Miller, Parks, Read, Rockhill, Todd, and Wood—23.

*Those who voted in the negative are,*

Messrs. Akin, Allison, Barbour, Bowers, Bradbury, Buell, Chapman of Laporte, Chenowith, Coffin, Davis, Ellis, Goodenow, Hamer, Hamrick, Holloway, Jones, Montgomery, Moore, Morgan of Decatur, Morgan of Rush, Murphey, Orth, Pomeroy, Reyburn, Verbriek, Winchell, and Zenor—27.

So the Senate refused to adjourn.

Mr. Handy moved that the Senate now adjourn;

The ayes and noes being called for by Messrs. Handy and Herriman,

*Those who voted in the affirmative are,*

Messrs. Akin, Berry of Franklin, Berry of Monroe, Chapman of Daviess, Cuppy, Edmonson, English, Handy, Hardin, Henry, Herriman, Howell, Jackson, Jones, Lane, Leviston, Logan, Major, Miller, Parks, Read, Rockhill, and Wood—23.

*Those who voted in the negative are,*

Messrs. Allison, Barbour, Bowers, Bradbury, Buell, Chapman of Laporte, Chenowith, Coffin, Conner, Davis, Ellis, Goodenow, Hamer, Hamrick, Holloway, Montgomery, Moore, Morgan of Decatur, Morgan of Rush, Murphey, Orth, Pomeroy, Reyburn, Todd, Verbriek, Winchell, and Zenor—27.

So the Senate refused to adjourn.

Mr. Herriman moved that the Senate now adjourn;

The ayes and noes being called for by Messrs. Herriman and Berry of Franklin,

*Those who voted in the affirmative are,*

Messrs. Akin, Berry of Franklin, Berry of Monroe, Buell, Chapman of Daviess, Cuppy, Edmonson, English, Handy, Hardin, Henry, Herriman, Jackson, Jones, Lane, Leviston, Logan, Major, Miller, Montgomery, Parks, Read, Reyburn, Rockhill, and Zenor—25.



*Those who voted in the negative are,*

Messrs. Allison, Barbour, Bowers, Bradbury, Chapman of Laporte, Chenowith, Coffin, Conner, Davis, Ellis, Goodenow, Hamer, Hamrick, Holleway, Howell, Moore, Morgan of Decatur, Morgan of Rush, Murphey, Orth, Pomeroy, Todd, Verbribe, and Winchell—24.

So the Senate adjourned until to-morrow morning, at 9 o'clock.

### WEDNESDAY MORNING, DEC. 24, 1845.

The Senate assembled.

The Journal of the preceding day having been read,

Mr. Leviston presented the petition of sundry citizens of Fayette county, in relation to county seminaries; which,

On motion by Mr. Leviston,

Was referred to a select committee of Messrs. Leviston, Berry of Franklin, and Miller.

Mr. Herriman presented the petition of sundry citizens of Lagrange county, in relation to school lands in said county.

On motion by Mr. Herriman,

The petition was referred to the committee on education.

Mr. Herriman presented the petition of sundry citizens of Lagrange county, in relation to the erection of a school house named therein.

On motion by Mr. Herriman,

The petition was referred to the committee on education.

Mr. Herriman presented the petition of T. Hamilton and others, in relation to the trustees of school district No. 4, in Lagrange county.

On motion by Mr. Herriman,

The petition was referred to the committee on education.

Mr. Miller presented the petition of John Dawson and others, in relation to the addition of territory to the county of Crawford.

On motion by Mr. Miller,

The petition was laid upon the table.

Mr. English presented the petition of sundry citizens of Scott county, praying for the dissolution of the corporation of the town of Lexington, in said county.

On motion by Mr. English,

The petition was referred to a select committee of Messrs. English, Handy, and Jackson.

Mr. English presented the petition of sundry citizens of Scott county, in relation to the county tax in said county.

On motion by Mr. English,

The petition was referred to a select committee of Messrs. English, Parks, and Allison.

Mr. Todd presented the petition of sundry citizens of Marion county, in relation to a bridge across White river.

On motion by Mr. Todd,

The petition was referred to a select committee of Messrs. Todd, Chapman of Laporte, and Reyburn.

Mr. Davis, from the committee on the judiciary, submitted the following report:

#### MR. PRESIDENT:

The judiciary committee, to which was referred a resolution of the Senate, instructing them to enquire whether any legislation is necessary in relation to the election of county auditors last August, have had the same under consideration, and have instructed me to report the following bill and recommend its passage:

No. 109. A bill in relation to county auditors;  
Which was read a first time.

On motion by Mr. Davis,

The rules were suspended, and the bill read a second time and ordered to be engrossed and read a third time on to-morrow.

Mr. Davis, from a select committee, submitted the following report:

#### MR. PRESIDENT:

The select committee to whom was referred an engrossed bill of the House of Representatives, No. 142, entitled, "An act changing the time of holding circuit and probate courts in Clark county," have, according to order, had the same under consideration, and have directed me to report the same back to the Senate, with sundry amendments, in which they ask the concurrence of the Senate.

First: Add the following words as additional sections to said bill:

"The circuit court of the county of Floyd shall, after the first day of June, in the year of our Lord one thousand eight hundred and forty-six, hold its terms on the fourth Mondays of April and October, and shall at each term continue in session three weeks, if the business require it."



"The probate court of the county of Floyd shall, after the first day of June, in the year of our Lord one thousand eight hundred and forty-six, hold four terms in each year, commencing on the second Mondays of February and August, and the third Mondays of May and November, and shall sit six days at each term, if the business shall require it."

Second: After the word "act," in the second line of the third section, insert the words following, to-wit:

"And so much thereof as authorizes and requires a term of the Floyd circuit court commencing on the fourth Monday of July in each year."

Third: Amend the title of the bill by striking out the words "Clark county" where they occur therein, and insert in lieu thereof the words "the counties of Clark and Floyd."

On the adoption of said amendments, the committee recommend the passage of the bill.

Which report was concurred in, and the bill ordered to a third reading on to-morrow.

Mr. Chapman of Daviess, from a select committee, submitted the following report:

MR. PRESIDENT:

The majority of the select committee to whom was referred bill of the Senate No. 106, abolishing the road tax in Daviess county, have authorized me to report it back, without amendment, and recommend its passage.

The bill was then ordered to be engrossed and read a third time on to-morrow.

Mr. Akin, from a select committee, submitted the following report:

MR. PRESIDENT:

The select committee to which was referred the memorial of L. H. Scott, of Vigo county, have had the same under consideration, and have directed me to report the following bill and recommend its passage:

No. 110. A bill for the relief of Lucius H. Scott;  
Which was read a first time.

On motion by Mr. Akin,  
The rules were suspended, and the bill read a second time.

On motion by Mr. Coffin,  
The bill was then laid upon the table.

Mr. Barbour, from a select committee, submitted the following report:

MR. PRESIDENT:

The select committee to which was referred the petition of numerous citizens of Bartholomew county, praying "the creation of an additional place of holding elections in said county," have had that subject under consideration, and have authorized me to report the accompanying bill and recommend its passage:

No. 111. A bill establishing an additional place of holding elections in Bartholomew county;

Which was read a first time.

On motion by Mr. Barbour,

The rules were suspended, and the bill read a second and third times and passed.

Mr. Jones, from a select committee, submitted the following report:

MR. PRESIDENT:

The select committee to whom was referred bill No. 105, of the Senate, "A bill for the location of a State road in the counties of Fountain and Warren," have had the same under consideration, and have directed me to report the same back to the Senate, without amendment, and recommend its passage.

On motion by Mr. Jones,

The rules were suspended, and the bill read a third time and passed.

Mr. Read, from a select committee, submitted the following report:

MR. PRESIDENT:

The select committee to which was referred a petition from the citizens of Port Fulton, praying for an act of incorporation, have had that subject under consideration, and have directed me to report the following bill:

No. 112. A bill to incorporate Port Fulton, in Clark county;  
Which was read a first time.

On motion by Mr. Read,  
The rules were suspended and the bill read a second time, and Referred to the committee on corporations.

Mr. Berry of Monroe offered the following resolution:

*Resolved*, That the State Librarian be requested to inform the Senate, as soon as practicable, the probable annual cost of arranging, in alphabetical order, the bills, petitions, and other legislative papers, to be bound in volumes of cheap binding.

Which was adopted.



Mr. Parks offered the following resolution:

*Resolved*, That when the Senate adjourn this evening, it adjourn to meet on Friday morning, at nine o'clock.

On the adoption of the resolution,

The ayes and noes being called for by Messrs. Conner and Reyburn,

*Those who voted in the affirmative are,*

Messrs. Barbour, Chapman of Laporte, Coffin, Davis, Edmonson, Ellis, English, Goodenow, Hamer, Handy, Hardin, Holloway, Howell, Montgomery, Moore, Murphey, Parks, Pomeroy, Read, Todd, and Wood—21.

*Those who voted in the negative are,*

Messrs. Akin, Allison, Berry of Franklin, Berry of Monroe, Bowers, Bradbury, Buell, Chapman of Daviess, Chenowith, Conner, Cuppy, Hamrick, Henry, Herriman, Jackson, Lane, Leviston, Logan, Major, Miller, Morgan of Decatur, Morgan of Rush, Orth, Reyburn, Verbriek, Winchell, and Zenor—27.

So the resolution was not adopted.

Mr. Winchell moved to reconsider the vote just taken;

Which motion prevailed.

Mr. Conner then moved to amend the resolution by striking out "Friday" and insert "Monday;"

Which motion did not prevail.

The question then recurring upon the adoption of the resolution,

The ayes and noes being called for by Messrs. Conner and Buell,

*Those who voted in the affirmative are,*

Messrs. Barbour, Bradbury, Chapman of Laporte, Coffin, Davis, Edmonson, English, Hamer, Handy, Hardin, Holloway, Howell, Montgomery, Moore, Murphey, Parks, Pomeroy, Read, Todd, and Winchell—20.

*Those who voted in the negative are,*

Messrs. Akin, Allison, Berry of Franklin, Berry of Monroe, Bowers, Buell, Chapman of Daviess, Chenowith, Conner, Cuppy, Ellis, Goodenow, Hamrick, Henry, Herriman, Jackson, Jones, Lane, Leviston, Logan, Major, Miller, Morgan of Decatur, Morgan of Rush, Orth, Reyburn, Verbriek, Wood, and Zenor—29.

So the resolution was not adopted.

Mr. Verbriek offered the following resolution:

*Resolved*, That the committee on canals and internal improvements be instructed to enquire into, and ascertain from every reliable source, the cash value of that portion of land lying in the Vincennes district, generally known as the grant of land by the General Government to complete the Wabash and Erie canal from Terre Haute to Evansville; and also ascertain from the best authority in their power, the probable cost of construction, in cash, of said canal, and that they report the same to this Senate at as early a day as the task will admit of.

Which resolution was not adopted.

Mr. Todd offered the following resolution:

*Resolved*, That the committee on the judiciary be directed to enquire whether the laws, as they now stand, in regard to requiring security for costs of suit, are a sufficient guaranty against vexatious and unnecessary litigation.

Which was adopted.

Mr. Hamer offered the following resolution:

*Resolved*, That the committee on apportionment be instructed to report a bill immediately, or as soon as possible, limiting the number of Senators to not less than thirty nor more than forty, and limiting the number of Representatives to not less than sixty nor more than eighty; and to remove the objection to the above reduction, each Senator holding over, pledges himself to resign his seat in the Senate on the first Monday of August next.

Mr. Chapman of Laporte moved to amend the resolution by adding thereto, "*Provided*, The constituents of said Senators holding over consent to such resignation."

Mr. Conner moved to lay the resolution and pending amendment upon the table;

The ayes and noes being called for by Messrs. Herriman and Hamer,

*Those who voted in the affirmative are,*

Messrs. Barbour, Berry of Monroe, Bradbury, Chapman of Daviess, Chenowith, Conner, Edmonson, English, Holloway, Howell, Jones, Lane, Major, Miller, Montgomery, Morgan of Decatur, Murphey, Reyburn, Todd, Verbriek, and Winchell—21.

*Those who voted in the negative are,*

Messrs. Akin, Allison, Berry of Franklin, Bowers, Buell, Chapman of Laporte, Coffin, Cuppy, Ellis, Goodenow, Hamer, Hamrick, Handy, Hardin, Henry, Herriman, Jackson, Leviston, Logan, Moore, Morgan of Rush, Orth, Parks, Pomeroy, Read, Wood, and Zenor—27.



So the resolution and pending amendment were not laid on the table.

The question then recurring upon the adoption of the amendment of Mr. Chapman of Laporte,

The ayes and noes being called for by Messrs. Herriman and Hamer,

*Those who voted in the affirmative are,*

Messrs. Allison, Barbour, Bowers, Bradbury, Chapman of Daviess, Chapman of Laporte, Chenowith, Conner, Edmonson, Ellis, English, Handy, Hardin, Henry, Holloway, Howell, Jackson, Jones, Lane, Major, Miller, Montgomery, Moore, Morgan of Decatur, Murphey, Pomeroy, Read, Reyburn, Todd, Verbrike, and Winchell—31.

*Those who voted in the negative are,*

Messrs. Akin, Berry of Franklin, Berry of Monroe, Buell, Coffin, Cuppy, Davis, Goodenow, Hamer, Hamrick, Herriman, Leviston, Logan, Morgan of Rush, Orth, Parks, Wood, and Zenor—18.

So the amendment was adopted.

Mr. Reyburn moved that the Senate now adjourn;

Which motion did not prevail.

Mr. Pomeroy moved to amend the resolution as follows:

"*Provided*, That the provisions of the bill contemplated in said resolution shall not take effect until the year 1851, at which time a portion of the State debt will probably be discharged."

Mr. Davis moved to lay the resolution and pending amendment upon the table;

Which motion did not prevail.

The question then recurring upon the adoption of Mr. Pomeroy's amendment,

The ayes and noes being called for by Messrs. Hamer and Herriman,

*Those who voted in the affirmative are,*

None.

*Those who voted in the negative are,*

Messrs. Akin, Allison, Barbour, Berry of Franklin, Berry of Monroe, Bowers, Bradbury, Buell, Chapman of Daviess, Chapman of Laporte, Chenowith, Coffin, Conner, Cuppy, Davis, Edmonson, Ellis, English, Goodenow, Hamer, Hamrick, Handy, Hardin, Henry, Herriman, Holloway, Howell, Jackson, Jones, Leviston, Logan, Major, Miller, Montgomery, Moore, Morgan of Rush, Murphey, Orth,

Parks, Pomeroy, Read, Reyburn, Todd, Verbrike, Winchell, Wood, and Zenor—47.

So the amendment was not adopted.

Mr. Henry then moved to amend the resolution as follows:

"Amend by striking out all that portion of the resolution which requires Senators to resign."

Which motion did not prevail.

Mr. Hamer then moved the previous question;

Which was seconded by the Senate.

The question then being,

"Shall the main question be now put?"

It was decided in the affirmative.

The question then recurring,

"Shall the resolution be adopted?"

It was decided in the affirmative.

Mr. Ellis offered the following resolution:

*Resolved*, That when the Senate adjourn it will adjourn to meet on Friday morning at nine o'clock.

Mr. Henry moved to amend the resolution as follows:

Amend by adding, "that no per diem allowance shall be made for the holy-days."

On motion by Mr. Akin,

The resolution and pending amendment were laid upon the table.

By leave of the Senate,

Mr. Buell introduced,

No. 113. A bill to increase the common school fund;

Which was read a first time and ordered to a second reading on to-morrow.

Mr. Herriman offered the following resolution:

*Resolved*, That when the Senate adjourn it adjourn to meet on Friday morning at nine o'clock.

Mr. Hardin moved to amend the resolution by inserting after the word "adjourn," the words "this evening."

Which motion did not prevail.

On motion by Mr. Reyburn,

The Senate adjourned until two o'clock, P. M.

2 o'clock, P. M.

The Senate met,

And resumed the consideration of the resolution of Mr. Herriman, pending at the adjournment.



The question recurring upon the adoption of the resolution,  
It was decided in the affirmative.

Mr. Davis moved to take from the table

No. 67. A bill to apportion Senators and Representatives for the  
next five years;

And make it the order of the day for Monday next, at 2 o'clock,  
P. M.;

Which motion prevailed.

The following message was received from the House of Representatives, by Mr. Kinder, their Clerk:

MR. PRESIDENT:

I am instructed by the House of Representatives to inform the Senate that the House have passed the following engrossed bills of the Senate without amendment:

No. 16. An act authorizing the Church of God meeting on Walnut street, in the town of Jeffersonville, to elect trustees and sell their property for the payment of their debts;

No. 38. An act to incorporate a Lutheran church in Franklin county;

No. 39. An act to authorize a settlement between the State and Alexander McLain, of Morgan county;

No. 50. An act to vacate certain streets in Cambridge City;

No. 55. An act to compensate supervisors in the county of Morgan;

No. 56. An act providing for the improvement of roads in the several counties therein named;

No. 58. An act to amend an act entitled, "An act to incorporate the Young Men's Literary Association of Richmond, Wayne county, Indiana," approved February 15, 1839;

No. 79. An act to locate a State road in Dearborn and Ripley counties.

The House have also passed the following engrossed bills of the Senate, with amendments:

No. 12. An act to remove the disability of Francis La Fontaine, Catharine Richardville, La Blond Richardville, and Susan Richardville to sell and convey real estate, and to legalize any sales that may have been made by them, or either or any of them, previous to the passage of this act;

With two amendments.

No. 15. An act to incorporate the Grand Lodge of the Independent Order of Odd Fellows of the State of Indiana;

With one amendment.

In which amendments the concurrence of the Senate is requested.

MR. PRESIDENT:

I am instructed by the House of Representatives to inform the Senate that the House have passed the following engrossed bills thereof:

No. 148. An act for the relief of the widow and children of Jesse Clinger, deceased;

No. 171. An act to dissolve the bonds of matrimony between Adam Shambrough and Elizabeth Shambrough;

No. 173. An act declaring a certain road therein named a State road;

No. 174. An act to survey and locate a State road from Robinson's ferry, on White river, in Daviess county, to Harrisonville, in Martin county;

No. 175. An act to dissolve the bonds of matrimony between Frederick Hartsell and Rosanna Hartsell;

No. 177. An act for the relief of James Rutherford;

No. 178. An act for the relief of borrowers of the surplus revenue and other funds, and for the better securing of the payment thereof;

No. 181. An act to remunerate justices of the peace of the county of Warrick for services on the county board;

No. 186. An act to reduce the fees of the recorder of Johnson county;

No. 187. An act in relation to the fees of the recorder and auditor in the counties of Jackson, Adams, and Jay;

No. 188. An act to secure a more economical management of the school fund;

No. 189. An act to provide for the more effectual punishment of certain offences in the county of Allen;

No. 190. An act to regulate the time of holding circuit courts in the county of Tippecanoe;

No. 191. An act authorizing the president and trustees of Lafayette to purchase and hold real estate, and for other purposes;

No. 192. An act in relation to supervisors of roads in the counties of Kosciusko and Whitley;

No. 193. An act authorizing Rhoda Butler to mortgage certain real estate;

No. 194. An act to extend the terms of the board doing county business in the county of Tippecanoe;

No. 195. An act to change the time of holding probate courts in the county of Pike;

No. 196. An act to extend the provisions of an act therein named to Madison county;

No. 197. An act for the relief of the heirs of Michael Ross, deceased;

No. 201. An act prescribing the mode of selecting petit jurors in Sullivan county;



No. 206. An act changing the time of holding probate courts in Cass county;

No. 208. An act to repeal in part an act entitled, "An act to provide for summoning grand and petit jurors in Decatur and Warren counties," approved January 13, 1845;

No. 209. An act to extend the provisions of the Revised Statutes of 1843, in relation to roads and highways to the county of Posey;

No. 214. An act to change the mode of working roads in Rush county;

No. 215. An act to dissolve the bonds of matrimony between Benjamin Rosecrants and Sarah Ann Rosecrants, citizens of Perry county;

No. 217. An act for the relief of Barbara Ann May;  
In which the concurrence of the Senate is respectfully requested.

Mr. Davis asked and obtained leave of absence until Monday next, on account of the sickness of his father.

Mr. Chapman of Laporte asked and obtained leave of absence for Mr. Jones until Monday next.

Mr. Allison asked and obtained leave of absence for Mr. Parks until Monday next.

On motion by Mr. Buell,

The resolution calling on the joint committee on the communication of Mr. Butler, to report in relation to employing a clerk, and other matters therein named,

Was taken from the table.

Mr. Howell moved a call of the Senate;

Which was ordered.

On motion by Mr. Jones,

The further call was suspended.

Mr. Edmonson moved to lay the resolution upon the table.

The ayes and noes being called for by Messrs. Chapman of Laporte and Barbour,

*Those who voted in the affirmative are,*

Messrs. Allison, Berry of Franklin, Berry of Monroe, Chapman of Daviess, Chenowith, Coffin, Edmonson, English, Hamrick, Handy, Herriman, Howell, Lane, Leviston, Miller, Montgomery, Parks, Read, Reyburn, Wood, and Zenor—21.

*Those who voted in the negative are,*

Messrs. Barbour, Bowers, Bradbury, Buell, Chapman of Laporte, Cuppy, Ellis, Goodenow, Hamer, Henry, Holloway, Logan, Major, Moore, Morgan of Decatur, Morgan of Rush, Murphey, Orth, Pomeroy, Verbriek, and Winchell—21.

So the resolution was not laid upon the table.

Mr. Lane rose to a point of order.

The President decided the resolution to be in order.

From this decision Mr. Lane appealed, and presented his appeal in writing as follows:

The Senator from Vanderburgh makes the following point of order on the resolution of Mr. Chapman of Laporte:

*First*, That the said committee was organized by the joint action of the co-ordinate branches of the Legislature, and thereby created a joint committee of the two Houses, which cannot be dissolved, unless by the same process that created it. The President decided the resolution to be in order, and the Senator from Vanderburgh appeals.

Pending which,

Mr. Edmonson moved that the Senate do now adjourn.

The ayes and noes being called for by Messrs. Chapman of Laporte and Barbour,

*Those who voted in the affirmative are,*

Messrs. Akin, Berry of Franklin, Buell, Chapman of Daviess, Chenowith, Coffin, Cuppy, Edmonson, English, Hamrick, Handy, Henry, Herriman, Howell, Jones, Lane, Leviston, Miller, Montgomery, Moore, Parks, Read, Reyburn, Verbriek, and Wood—25.

*Those who voted in the negative are,*

Messrs. Allison, Barbour, Berry of Monroe, Bowers, Bradbury, Chapman of Laporte, Conner, Ellis, Goodenow, Hamer, Holloway, Logan, Major, Morgan of Decatur, Morgan of Rush, Murphey, Orth, Pomeroy, Winchell, and Zenor—20.

And the Senate adjourned.

FRIDAY MORNING, DEC. 26, 1845.

The Senate assembled.

The Journal of the preceding day having been read,

The President laid before the Senate the following communication of the Treasurer of State:



TREASURER'S OFFICE, Dec. 24, 1845.

HON. G. S. ORTH,

*President of the Senate:*

In answer to the Senate's resolution of yesterday, handed me this day, I have the honor to state, that the report made by the Treasurer, as superintendent of common schools, was printed during the past week, and, I supposed, had already been laid before your honorable body. On enquiry, however, I learn that the report has this day been laid on the members' desks.

Most respectfully,

Your obedient servant,

R. MAYHEW.

Mr. Edmonson presented the petition of sundry citizens of Pike county, in relation to certain forfeited school land therein named.

On motion by Mr. Edmonson,

The petition was referred to a select committee of Messrs. Edmonson, Goodenow, and Handy.

Mr. Coffin presented the petition of J. Moore and others, in relation to the feeder dam of the Wabash and Erie canal in Parke county.

On motion by Mr. Coffin,

The petition was referred to the committee on canals and internal improvements.

Mr. Cuppy presented the petition of sundry citizens of Whitley county, on the subject of a charter for a certain turnpike road therein named;

On motion by Mr. Cuppy,

The petition was referred to a select committee of Messrs. Cuppy, Rockhill, and Pomeroy.

Mr. Reyburn presented the petition of John C. Helms, for the release of water rents.

On motion by Mr. Reyburn,

The petition was referred to the committee on canals and internal improvements.

The President laid before the Senate the petition of Thomas J. Nevens, praying for relief.

On motion by Mr. Lane,

The petition was referred to a select committee of Messrs. Lane, Chapman of Laporte, and Ellis.

Mr. Rockhill presented the petition of sundry citizens of Allen county, in relation to a certain road therein named.

On motion by Mr. Rockhill,

The petition was referred to the select committee having the same subject under consideration.

The President laid before the Senate the communication of the President of the State Bank, made in compliance with a resolution of the Senate, calling on him to transmit to the Senate the proceed-

ings of the State Board, at their session in November last; also, the memorandum books of the examiner.

On motion by Mr. Morgan of Decatur,

The report was referred to the committee on the State Bank.

Mr. Rockhill, chairman of the committee on elections, submitted the following report:

MR. PRESIDENT:

The committee on elections, to whom was referred bill of the Senate No. 24, repealing an act, approved January 13, 1845, so far as the county of Jackson is concerned, have, according to order, had that subject under consideration, and have directed me to report the same back to the Senate and recommend its indefinite postponement.

On the question to concur in the report,

The ayes and noes being called for by Messrs. English and Morgan of Decatur,

*Those who voted in the affirmative are,*

Messrs. Akin, Allison, Berry of Franklin, Berry of Monroe, Bradbury, Chapman of Laporte, Chenowith, Coffin, Cuppy, Ellis, Goodenow, Hamrick, Holloway, Jackson, Leviston, Logan, Major, Montgomery, Moore, Morgan of Rush, Murphey, Orth, Pomeroy, Reyburn, Rockhill, and Wood—25.

*Those who voted in the negative are,*

Messrs. Barbour, Bowers, Buell, Chapman of Daviess, Edmonson, English, Hamer, Herriman, Howell, Jones, Lane, Miller, Morgan of Decatur, Read, Verbribe, Winchell, and Zenor—17.

So said report was concurred in.

The following message was received from the House of Representatives by Mr. Kinder, their Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House of Representatives have passed the following engrossed bills thereof:

No. 133. An act to amend an act entitled, An act in relation to the proceedings in the probate courts, approved January 13, 1845;

No. 136. An act to amend the 326th section of chapter 40, Revised Statutes of 1843, relative to charges to juries;



No. 168. An act to punish embezzlement in the same manner that grand larceny is now punishable by law;

No. 246. An act to vacate a certain alley in the town of Green-castle;

No. 158. An act to relocate a part of the State road from Williamsport to Newtown;

No. 218. An act to incorporate the female seminary of St. Mary's of the Woods, in Vigo county;

No. 221. An act prescribing the mode of advertising sales of lands mortgaged to the Sinking Fund;

No. 223. An act declaring a mistake in the Revised Statutes of 1843, in relation to the boundary of Fulton and Kosciusko counties, and for other purposes;

No. 222. An act providing for the election of an additional justice of the peace in Union township, Montgomery county;

No. 152. An act to amend article 5, of chapter 40, of the Revised Statutes of 1843;

No. 226. An act for the relief of Nathaniel Coal, of Warrick county;

No. 227. An act to authorize clerks of circuit courts to administer oaths to certain persons therein named;

No. 180. An act for the benefit of the widow and heirs of John Sering, late of Jefferson county, deceased;

No. 244. An act to authorize William M. Pugh and Willis Hodges to substitute their notes and mortgages to the State for that of Otis and William Page;

In which the concurrence of the Senate is respectfully requested.

And that the House of Representatives have also passed the following engrossed bills of the Senate without amendment:

No. 21. An act to establish a State road in the counties of Putnam and Clay;

No. 78. An act to repeal an act relative to a certain State road in Wayne county.

And also that the House of Representatives have passed the following engrossed joint resolution of the Senate without amendment:

No. 7. A joint resolution in relation to the improvement of the river Ohio.

And that the House of Representatives have also passed the following engrossed joint resolution thereof:

No. 220. A joint resolution on the subject of the reservoir in Mercer county Ohio;

In which the concurrence of the Senate is respectfully requested.

Mr. Pomeroy, from the committee on the judiciary, submitted the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred bill No. 35, of the House of Representatives, entitled, "A bill to amend the 73d and 74th sections of the 53d chapter of the Revised Laws of 1843, relative to trespassing upon the lands of the United States," have had the same under consideration, and instructed me to report the same back to the Senate and very respectfully recommend its indefinite postponement.

Which report was concurred in.

Mr. Ellis, from the committee on the judiciary, submitted the following report:

MR. PRESIDENT:

The judiciary committee, to whom was referred House bill No. 90, for the relief of Thomas Carrico, with instructions to enquire into its constitutionality, have had the same under consideration, and have instructed me to report, that said bill in nowise conflicts with any provision in the constitution. The committee cannot conceive that Black creek, over which said Carrico seeks to erect a mill dam, and for which the bill provides, was a navigable stream, in contemplation of the ordinance of '87. It is perfectly competent for the General Assembly to declare all other streams public highways, and again, to authorize their obstruction as public good may seem to require; wherefore the said bill is reported back with a recommendation that it be passed.

The said bill was then read a third time and passed.

Mr. Ellis, from the committee on the judiciary, submitted the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom had been referred House bill No. 68, to amend section 175, chapter 47, Revised Statutes of 1843, relative to costs in appeals from justices of the peace, have had the same under consideration, and have instructed me to report the same to the Senate, and recommend its passage.

Said bill was read a second time and ordered to a third reading on to-morrow.

Mr. Barbour, from the committee on the judiciary, submitted the following report:



MR. PRESIDENT:

The committee on the judiciary, to whom was referred bill of the House No. 138, have had the same under consideration, and have instructed me to report it inexpedient to legislate on that subject, and recommend the indefinite postponement of said bill.

Which report was concurred in.

Mr. Barbour, from the committee on the judiciary, submitted the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred bill No. 72, of the House of Representatives, have had the same under consideration, and have instructed me to report said bill back to the Senate, and recommend its passage:

No. 72. A bill (of the House) in relation to appeals and writs of error in writs of habeas corpus.

Mr. Buell moved to lay the bill upon the table;

The ayes and noes being called for by Messrs. Pomeroy and Barbour,

*Those who voted in the affirmative are,*

Messrs. Akin, Allison, Berry of Franklin, Berry of Monroe, Buell, Chapman of Daviess, Chapman of Laporte, Cuppy, Edmonson, English, Goodenow, Hamrick, Handy, Henry, Holloway, Howell, Jackson, Lane, Leviston, Logan, Major, Miller, Montgomery, Murphey, Read, Rockhill, and Wood—27.

*Those who voted in the negative are,*

Messrs. Barbour, Bowers, Bradbury, Chenowith, Coffin, Ellis, Hamer, Herriman, Moore, Morgan of Decatur, Morgan of Rush, Orth, Pomeroy, Rayburn, Verbriek, Winchell, and Zenor—17.

So the said bill was laid upon the table.

The President laid before the Senate the following communication from his Excellency, the Governor:

*To the President of the Senate:*

SIR—In further compliance with the resolution of the Senate of the 17th inst., the report of the Engineer, as to the survey and loca-

tion of the canal from Terre Haute to Evansville, is herewith communicated.

I am, very respectfully,

Your obedient servant,

JAS. WHITCOMB.

On motion by Mr. Lane,

The report was laid upon the table, and 200 copies thereof ordered to be printed for the use of the Senate.

Mr. Pomeroy, from the committee on the judiciary, submitted the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred bill No. 83, of the Senate, entitled, "An act to authorize the commissioners of the county of Miami to settle with the heirs of William N. Hood, deceased," have had the same under consideration, and instructed me to report the same back to the Senate and recommend its indefinite postponement.

Which report was concurred in.

Mr. Montgomery, from the committee on education, submitted the following report:

MR. PRESIDENT:

The committee on education, to whom was referred the following resolution of the Senate, to-wit:

"*Resolved*, That the committee on education be requested to report a bill for the permanent location and building of the Deaf and Dumb Asylum, and report the same at as early a day as convenient."

And also a petition, signed by numerous citizens of Monroe county, have given to that subject the consideration which one of so much importance justly merits; and have directed me to make the following report:

Your committee, perhaps, will not be censured for irrelevancy should they first premise that they, in common with their fellow citizens in different sections of Indiana, deplore the embarrassed and fallen condition of our young and enterprising State, and would not, under ordinary circumstances, willingly add to the burthens which are at present bearing down the energies of the people. Nor would your committee recommend any measure which would have the least tendency to postpone or delay the time, as anxiously desired, we trust, by every good citizen of the State, as by her public creditors themselves, when Indiana shall stand redeemed from all



her liabilities, and the stain which has for a period bedimmed her fair escutcheon shall forever be wiped away.

Your committee however feel that the claim here presented is one of no ordinary magnitude, yet involving so slight an expenditure that the people could not feel their power of meeting their other liabilities in the least degree impaired by promptly responding to this. And when we take into consideration the situation of this unfortunate class of community for whose benefit it is intended, certain we are that it will meet with a hearty response from every sympathising bosom. This class, by a Providential calamity, previous to education, are entirely shut out from all the pleasures and advantages of social intercourse. No kind hand has smoothed for them the hill of science—strewn flowers in the way to allure them on—nor even rendered an unaided ascent possible. The language of the parent to the child is an *unknown tongue*—the laws and institutions of our country a mystery—and the Bible a sealed book. If such be the situation of the uneducated mute, does not his situation—though mute himself—plead with a *thousand tongues* in his behalf in the ear of public sympathy? If mind—ethereal mind—is thus chained to earth, through physical impediment, and denied the accomplishment of the work its slumbering energies demand—if, without aid, that mind is to wander on in darkness and enduring night, holding small converse with the world around and none with that of spirits—its powers to wither for want of culture—its moral susceptibility blunted by an unfeeling world—its sympathies checked in their outpouring, by careless neglect—if the dark moral night that envelops it is to continue during its earthly existence, unless dispelled by the hand of public charity—where is the philanthropist, the patriot, the man, who will cry *hold*, as this aid is about to be extended? If there be a human being so lost to the nobler feelings of our nature, let his name be preserved, not as an object of hatred and scorn, but of pity and commiseration!

To the relief of such a class, your committee would feel justified, under any circumstances, to call the attention of the Senate, confidently believing that the mere presentation of their case would be sufficient, so far as this honorable body is concerned, to secure to them the requisite aid.

Your committee are aware that the small appropriation contemplated in the accompanying bill will fall far short of the wants of the deaf and dumb asylum, and perhaps much less than the Senate will in their wisdom direct. Should this be the conclusion of the Senate, the members of your committee, it is believed, will be among the last who will shrink from a course so plainly indicated by every consideration of duty and philanthropy.

Your committee feel that they should not pass in silence the liberal offer of donations by the citizens of Monroe county, with the view of securing the permanent location of the asylum at Bloomington, in that county; and though in the opinion of the committee

a reliance on individual subscriptions, payable in different ways, and at long intervals, by more than one hundred different persons, in various amounts, some of which do not exceed two dollars, could not with safety be relied on to any great extent to carry into effect the commendable enterprise contemplated by the erection of the deaf and dumb asylum; and especially when we take into consideration that the cash subscriptions do not amount to one thousand dollars, and the remainder to less than two thousand, after deducting five hundred dollars as an over-estimate in the value of the land proposed to be donated.

We next come to consider the proposition of the commissioners of Monroe county to levy a tax on the real and personal property of the citizens of the county of *one per cent.* to the hundred dollars valuation. Could we be convinced that the commissioners of the county were authorized by law to assess a tax on the people for the purposes here contemplated, without their consent, for the space of time proposed by the order attached to the petition, we should regard the proposition as worthy of still greater consideration. But as we are not aware of the existence of any power vested in the board of commissioners to levy such tax, or in any way to bind the people of Monroe county to the payment of the same, we cannot regard the proposition as entitled to any great weight in deciding the location of the asylum; yet we can fully appreciate the motives which induced them to make so liberal though unauthorized an offer.

But could these offers be realized to their fullest extent, there are still weightier reasons for its location at the capital, and insurmountable objections to its transfer to any other place, some of which, as they present themselves to the minds of the committee, are these:

*First.* The capital is the point most easy of access from all portions of the State, and as it is near the geographical centre of the State, it will equalize the amount of travel necessary in conveying the pupils to and from the institution.

*Second.* From this point information in regard to the institution could be the most easily disseminated, as here all the public business is transacted, and in consequence citizens from all parts of the State most numerous congregate.

*Third.* As the deaf and dumb improve much by observation, it becomes highly important that the institution for their instruction should be located at or near some large town or city. Indianapolis being the largest town in the central portion of the State, as well as the seat of government, should therefore be preferred.

*Fourth.* And as relates to health, it cannot, from the report of the trustees of the institution now lying on senators' desks, be reasonably expected that a more salubrious location can be found within the limits of the State.

*Fifth.* In consequence of the fertility of the adjacent country, and the abundant supply of the markets in this place, it is believed to be within the power of the trustees to provide boarding at as



low a rate as it can be furnished at any considerable town in the State.

*Sixth.* In consequence of the expense of the furniture and school room fixtures rendered necessary for the accommodation and instruction of more than *thirty pupils*, the institution could not now be removed without great sacrifice of its property, or a heavy expense to the State.

*Seventh.* But the most important argument in favor of its location at the seat of government is, that it will thus be placed in the vicinity of the legislature, and under the immediate observation and control of the people's representatives. It is feared that the people will not willingly submit to be taxed for the support of any institution—however worthy its object—over which they could exercise no supervisory care or control. And it is also believed that it is highly important, in order to secure the ultimate success of the institution, that the members of the General Assembly may have it within their power to witness the annual exhibitions of the pupils, so as to properly judge of the improvement of the pupils in their various pursuits, and justly to appreciate the importance of the education of this unfortunate class of our fellow citizens. And here permit us to ask what stronger appeal could have been made to the members of the legislature to sustain an institution having for its object the education of the deaf and dumb of our State, than was made to them during the exhibition of the pupils, in the other wing of the capitol but a few days since? That appeal, though silent, was such as went directly home to the better feelings of our nature; and it is firmly believed, that no senator who was present on that interesting occasion, could now withhold his support from this institution, without doing violence to his own feelings, and committing an act for which he could render no adequate excuse before an enlightened people.

In support of these opinions, we respectfully refer the Senate to the accompanying documents, containing the opinions of the principals of the American, New York, Pennsylvania, and Ohio asylums for the education of the deaf and dumb, in reply to communications addressed to them by Mr. J. S. Brown, the able and enterprising principal of the Indiana asylum.

These letters, written by gentlemen standing at the head of the first institutions of the country, and high in public favor, reciprocated and sustained, too, as they are by the opinions of the intelligent and experienced principal of our own State asylum, freely communicated by him to your committee, have strengthened them in the opinion that it would be highly impolitic in the legislature to change the present location of the asylum.

[A.]

AMERICAN ASYLUM, October 9, 1845.

DEAR SIR:—In your note of the 16th ultimo, you ask the following questions:

*First.* "Should an asylum for the deaf and dumb in a single State, have its location near the commercial or geographical centre of such State?"

*Second.* "If there is no great commercial emporium in a State, would it be advantageous to locate the institution at the capital, if near the geographical centre?"

In reply to your first question, I would say, it must be obvious to all, that an institution intended for the special benefit of the people of a particular State, should have its location at that point which is most easily and cheaply accessible from all the other parts of the State, unless there are important reasons for some other location.

It is quite desirable that an institution for the deaf and dumb should be in the vicinity of a town of considerable size. The deaf and dumb acquire knowledge to a much greater extent than others, through the eye; and there are many things to be seen in a large town or city, and from the seeing of which much useful knowledge may be gained, which can be seen no where else.

In reply to your second question, I have to say, that in the case supposed, I should think it quite important to locate the institution at or near the seat of the government of the State, especially if it were to be dependent upon the legislative authorities for its support.

It is due to the legislature which sustains or greatly aids such an institution, to give it frequent opportunities for witnessing the improvement of the pupils in knowledge and happiness; to show the various processes by which instruction is communicated; and that the youth thus fostered and educated by their means, are in a course of preparation for usefulness in future life. This can be done most easily and satisfactorily, if the school is so near the seat of government that the executive officers and the members of the legislature may visit from time to time with convenience. Besides, the influential and intelligent men composing such a body will, on becoming interested in the institution by personal examination of it, convey intelligence concerning it to all parts of the State; will satisfy the doubts of ignorant parents as to the possibility of their deaf children being educated; and will thus be the means of keeping up a supply of pupils. They will be able also, sometimes, to bring pupils with them to the institution. It is very important to keep the legislature satisfied that the funds they appropriate for this benevolent object are wisely and usefully applied, and that it is a privilege and duty to provide by their acts for the education of the indigent who must extensively look to them for support. But I need not enlarge: your



own observation and experience will confirm, I doubt not, the general views I have expressed.

Wishing you great success in the establishment and building up of an institution in Indiana, and the continual guidance and blessing of God, I am,

Dear sir, very truly and respectfully,

Your friend and obedient servant,

LEWIS WELD,

*Principal of the American Asylum.*

J. S. BROWN, Esq.

[B.]

INSTITUTION FOR THE DEAF AND DUMB. }  
New York, November 13, 1845. }

DEAR SIR:—I regret that my unusually numerous engagements this fall have prevented me from paying that early attention to the enquiries proposed in your letter of the 22d of September, which their importance demanded. That they may meet with no further delay, I hasten to employ my first leisure moment in setting forth some of those considerations which would have a deciding influence upon my own mind in this matter.

The chief argument to be urged in favor of a central position for a State institution for the instruction of the deaf and dumb is, that it will be equally accessible from the extreme points of the State, and thus render equal justice to all its inhabitants. Those, however, who lay much stress upon this seeming advantage, appear to forget what is so aptly expressed by the proverb, "that the longest way round, is often the shortest way home," in other words, that moneyed interest, which has the principal weight in such matters, will necessarily secure towards the centre of trade, the best and cheapest facilities of travel, so that, though the commercial emporium be situated in an angle of the State, scarcely more time or money, and certainly less ease, will be sacrificed in going to it from the remotest village, than to a town in the interior which can never claim such advantage, except by accident. Besides, a town of high commercial importance may often be found to be actually the nearest point of access to a majority of the population, as people naturally congregate in greater numbers in the vicinity of a good market, than in places less favorably situated in this respect.

But independently of this, there are advantages connected with a large city which cannot be met elsewhere. In the first place, in a numerous and wealthy community, men of enlarged benevolent views, and of leisure sufficient to permit them to conduct the affairs of an institution, would be more likely to be found than in any

other, while their standing in society would tend to sustain its character, and strengthen the appeals for pecuniary aid, which circumstances might at times make necessary, especially in its infancy.

Secondly, such appeals would be more promptly and effectively met in a city, where would be collected much more individual wealth than in a country village, where aid in the form of money is always more difficult to be obtained.

But (thirdly) the chief advantage incident to a city location, consists in the extensive introduction into it of various articles of practical utility and objects of curiosity which cannot be found elsewhere. This, to the deaf mute, is an inestimable advantage, as he depends almost entirely upon visible illustration for gaining correct ideas of objects and their uses. The teacher is furnished on every hand with the creations of nature or of art, of which he would give his pupil the verbal representative. The first time the deaf mute approaches the city from the interior or more distant parts of the State, he sees a thousand objects of which no description could convey to him an adequate idea, and which will hereafter be of great service to him in the acquisition of language. He learns at every glance some new fact, of which, under other circumstances, he must have lived in entire ignorance; and when these new ideas begin to receive the form of words, his progress is immeasurably superior to what it could be under circumstances where the idea as well as word must be impressed upon his mind by pantomimic description. This introduction at once into so much that is great, and wonderful, and new, is also favorable to the general expansion of views. In this respect, the museum, with its collection of rare and curious things from all quarters of the globe, offers him peculiar advantages. He obtains not merely an individual acquaintance with many objects he knew not before, but, by their aggregation, gains juster views of the greatness and magnificence of the universe. The menagerie will furnish him with a similar advantage; and the gallery of fine arts, at a suitable stage of his education, will tend to refine his taste, and possibly give him an inclination for a profession, to the prosecution of which his peculiar infirmity is no disadvantage.

If, however, as you suppose in your second enquiry, there is no great commercial emporium, preference must be given to such other locations as will combine the advantages above named in the highest degree. In such case, a central position might perhaps be more favorable than any other. The capital of a State being ordinarily thus situated, or at all events not possessing the disadvantage of difficulty of access, offers some inducements which make it particularly desirable, provided that it is about equal with any other town in the State, in numbers and population.

In the first place, the capital obtains an adventitious importance because it is the seat of government, and naturally brings toward it collections of foreign curiosities and domestic inventions which would not so readily be found elsewhere, while scientific and other



exhibitions are of frequent occurrence, because they derive popularity from being first held there.

In the second place, the fact that representatives from every portion of the State are here collected together, will make the institution more extensively and favorably known among those of their constituents who may have deaf mute children. Desire of popularity as well as benevolent impulse will induce them to ferret out these children of misfortune, and take pains to procure them admission into the institution. They will also furnish a convenient mode of reference in cases where individuals desire to make particular inquiries. The position of the capital, too, will bring others thither who may have business with the legislature, or a curiosity to witness their deliberations; and these, as well as the representatives, will awaken an interest throughout the State in behalf of the deaf and dumb.

In the third place, there will be less difficulty, delay, and expense in interesting the legislature in behalf of the institution. Subject to their constant inspection, they may be easily satisfied that its affairs are rightly managed; while the frequent exhibitions of the progress of the pupils, which they have the opportunity of witnessing, will interest them in this branch of benevolent enterprise, and convince them of its practical utility. The wants and condition of the institution may thus at any time be presented to their consideration, and permanent provisions for its support be more certainly made.

The above remarks, you will perceive, are of a general character, and made without any specific reference. I am not sufficiently acquainted with the geography of your State, and the condition of its larger towns and villages, with regard to wealth, and population, and ease of access from remote points, to pronounce a confident opinion as to its location; but if, in these respects, Indianapolis equals or approximates to an equality with any other town in the State, the adventitious advantages which it possesses, must present an indisputable claim, in my humble judgment, in favor of the location of your institution.

Very respectfully, your obedient servant,

H. P. PEET.

MR. JAMES S. BROWN, *Principal, &c. &c.*

[C.]

PHILADELPHIA DEAF AND DUMB INSTITUTION, }  
September 8, 1845.

JAMES S. BROWN, Esq.:

Dear Sir:—I fear I have delayed too long a compliance with the request contained in your favor of the 1st inst. Other subjects have

taken precedence in their claims to my attention. I hope, however, that this communication will reach you in time.

In reply to the first interrogatory, viz: "Is it important that an asylum for the deaf and dumb should have its location at the commercial or geographical centre of a State?" I would say, that if the institution derives its support from subscriptions, benefactions, or legacies, it should be located where wealth concentrates, where the institution could be brought under the notice of great numbers, where people from all parts of the State are drawn. A commercial centre would answer these conditions, whether it were a geographical centre or not.

In reply to the second query: "If there is no great commercial emporium in a State, would it be advantageous to locate such an institution at the capital, if near the geographical centre?"

If the institution is supported by appropriations made by the legislature of a State, from time to time, and is a State institution, I think, decidedly, that it ought to be located at the seat of government, without regard to the commercial or geographical position of the capital. The following reasons may be adduced:

The institution and its objects will be brought under the personal inspection of the members of the successive legislatures, from time to time.

The feelings of the members will be interested.

Their sense of justice will be awakened in behalf of the neglected mute.

Their common sense will perceive that in no other way can the the affliction of the deaf mute be relieved.

The wants of the institution will be understood.

The results obtained by the institution will be appreciated in a good degree by them.

They will be ready and willing to make appropriations.

When the members return to their homes, information about the institution, its history, objects, and advantages will be spread over the State far more effectually than could be done by printed circulars. The living voice will be heard, where the printed document would not be read.

The members will often act as agents in persuading parents to send their children, and assist in getting them to the institution.

Many strangers will be drawn to the capital of a State, and they too will contribute to the advancement of the interests of the institution.

I have thus, my dear sir, endeavored to comply with your request; and have only to express my best wishes for the success of your institution, and your own prosperity and happiness.

A. B. HUTTON.



[D.]

OHIO DEAF AND DUMB ASYLUM,  
Columbus, Ohio, October 28, 1845. }

MR. BROWN:

Dear Sir:—Your favor of the 20th inst. has been received, and is now before me.

Your inquiries are,

*First.* "Should an institution for the mutes of a particular State have its location near either the commercial or geographical centre of such State?"

*Second.* "If there is no great commercial emporium in a State, would it be expedient to locate such an institution at the capital, if near its geographical centre?"

*Third.* "Does the history of the Ohio asylum for the deaf and dumb shed any light on the subject of a proper location?"

The question is, where should the Indiana institution be located, so as best to meet the wants of the State, and secure its greatest prosperity and usefulness? In answering this question, my views must be based on my own experience and observation at the Ohio asylum, inferring that as the Ohio and Indiana institutions are in most important respects exactly alike, what has been decidedly beneficial to ours, in its location, must be the same to yours.

Your institution should be permanently located at Indianapolis, at such a distance from the centre of it, as shall render it easy of access to the citizens, and members of the legislature, and strangers from a distance, and still not so near as to render it incommoded by the visits of idlers.

As it will be dependent on legislative bounty and favor for its existence and support, it should at all times be open to the members of the legislature for their inspection, and all the arrangements should, so far as practicable, be explained to them year after year. This, in my view, is indispensable. And the seat of government is the only place at which it would be practicable to do this.

This arrangement is the secret of our success; and its effect has been equally as salutary on the Ohio lunatic and blind institutions.

Your institution should be located not in, but near Indianapolis.

I am certain that the Ohio charitable institutions could not have succeeded equally as well had they been located at Cincinnati.

I have thus expressed my opinions, and have given my reasons, in short, but at as much length, perhaps, as is necessary. The case is so clear to my mind, that it appears almost a waste of time to go into any great length in stating my reasons.

Wishing your institution much success, I remain,

Yours, respectfully,

MR. JAMES S. BROWN.

H. N. HUBBELL.

Your committee therefore report the following bill.

No. 114. A bill to amend the act relative to the asylum for the education of the deaf and dumb;

Which was read a first time and ordered to a second reading on to-morrow.

On motion by Mr. Berry of Monroe,

The report was laid upon the table.

On motion by Mr. Herriman,

Five hundred copies of said report were ordered to be printed for the use of the Senate.

Mr. Bowers moved to reconsider the vote by which five hundred copies of the report were ordered to be printed for the use of the Senate;

Which motion prevailed.

Mr. Herriman then withdrew the motion to print five hundred copies of the report.

Mr. Goodenow, chairman of the committee on roads, submitted the following report:

MR. PRESIDENT:

The committee on roads, to whom was referred the resolutions of the Senate directing an enquiry into the expediency of changing the road law, so as to require all road tax to be paid in the district where the land is situated; also, bill (of the Senate) No. 97, which provides for the objects contemplated by the resolutions, have had the same under consideration, and have directed me to report the bill back, with two amendments, and recommend its passage:

First amendment: After the word "tax," in the fifth line of the fifth section, insert the words, "in the district in which such land is situated."

Second amendment: At the end of the ninth section add the words, "except in counties having special road laws."

Which report was concurred in.

The said bill was then ordered to be engrossed and read a third time on to-morrow.

Mr. Hamrick, from the committee on roads, submitted the following report:

MR. PRESIDENT:

The committee on roads, to whom was referred bill (of the House) No. 36, entitled, "A bill to vacate part of a State road in Franklin county," have had the same under their consideration, and have directed me to report the same back to the Senate and recommend its passage.

The bill was then read a third time and passed.



Mr. Hamer, from the committee on roads, submitted the following report:

MR. PRESIDENT:

The committee on roads, to whom was referred bill (of the House) No. 121, have had the same under consideration, and have directed me to report the same back, without amendment, and recommend its passage.

No. 121. A bill (of the House) to vacate a certain road in Jefferson county;

Which was read a third time and passed.

Mr. Jones, from the committee on the State Bank, submitted the following report:

MR. PRESIDENT:

"An act giving to the borrowers of the sinking fund and other funds of the State further time to make payment," from the committee on unfinished business, having been referred to the committee on the State Bank, they have directed me to report that, as the Senate have already taken action on the subject contained in this act, further legislation is unnecessary; therefore they ask to be discharged from the further consideration thereof.

Which report was concurred in.

Mr. Barbour moved to reconsider the vote by which the report of the committee on the State Bank (made on Tuesday last), expressing the opinion that under the existing law the State Bank has the right to issue notes of a less denomination than five dollars;

Which motion prevailed.

On motion by Mr. Chapman of Laporte,  
The report was then laid upon the table.

Mr. English, from a select committee, submitted the following report:

MR. PRESIDENT:

The select committee to which was referred the petition of the citizens of Lexington, in Scott county, have had the same under consideration, and directed me to report a bill granting the prayer therein named, and recommend the passage of said bill:

No. 115. A bill to repeal the corporation law, so far as Lexington is concerned;

Which was read a first time.

On motion by Mr. English,  
The rules were suspended, and the bill read a second and third times and passed.

Mr. Leviston, from a select committee, submitted the following report:

MR. PRESIDENT:

The select committee to whom was referred the petition of sundry citizens of Fayette county, praying for the passage of an act authorizing the legal voters of said county to elect their seminary trustees, have, according to order, had that subject under consideration, and have directed me to report the following bill and respectfully recommend its passage:

No. 116. A bill to authorize the people of Fayette county to elect their seminary trustees.

Mr. Buell moved to recommit the bill to the same select committee with instructions to make its provisions general;

Which motion prevailed.

Mr. Handy, from a select committee, submitted the following report:

MR. PRESIDENT:

The select committee to whom was referred a resolution of the Senate, requesting the committee appointed to district the State, to report a bill at as early a period as possible, have had that subject under consideration, and a majority of them have directed me to report the following bill and recommend its passage:

No. 117. A bill to apportion Senators and Representatives for the next five years;

Which was read a first time and ordered to a second reading on to-morrow.

Mr. Allison, from the committee on enrolled bills, submitted the following report:

MR. PRESIDENT:

The committee on enrolled bills, to which was referred engrossed bills of the Senate Nos. 60, 18, and 79, have compared the enrolled with the engrossed, and find them correctly enrolled.

The following message was received from the House of Representatives by Mr. Kinder, their Clerk:



## MR. PRESIDENT:

I am instructed by the House of Representatives to inform the Senate that the Speaker of the House has signed the following enrolled bills thereof, which I am directed to bring to the Senate for the signature of the President:

No. 41. An act for the relief of Joseph Carpenter;

No. 98. An act to vacate part of the addition to the town of Plymouth, in Marshall county;

No. 132. An act to legalize the election of Russell Mitchell, a justice of the peace, in Pleasant Run township, Lawrence county, and for other purposes;

No. 22. An act to change the time of holding probate courts in Dubois county;

No. 107. An act to incorporate a military company called the "Terre Haute Greys";

No. 13. An act to extend the time of holding probate courts in the counties of Jackson and Greene;

No. 107. An act to change the mode of districting hands to perform labor on public roads, in Orange county;

No. 29. An act to restrict the operation of an act entitled, "An act relative to the appointment of county commissioners of the several counties in this State to act as boards of library trustees in their respective counties, and for other purposes," approved January 6, 1845;

No. 147. An act in relation to the sale of saline lands in Orange county.

When resolutions of the Senate were called for, The President announced, that the appeal from the decision of the Chair, taken on Wednesday last, by Mr. Lane, was pending. And the question before the Senate is, "Shall the decision of the Chair stand as the judgment of the Senate?"

Pending which,

On motion by Mr. Allison,

The Senate adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

The Senate met;

And resumed the consideration of the appeal from the decision of the Chair, pending at the adjournment.

The question before the Senate being,

"Shall the decision of the Chair stand as the judgment of the Senate?"

The ayes and noes were called for by two Senators;

*Those who voted in the affirmative are,*

Messrs. Barbour, Bowers, Bradbury, Buell, Chapman of Laporte, Ellis, Goodenow, Hamer, Henry, Holloway, Leviston, Logan, Major, Moore, Morgan of Decatur, Morgan of Rush, Murphey, Pomeroy, Verbrike, Winchell, and Wood—21.

*Those who voted in the negative are,*

Messrs. Akin, Allison, Berry of Franklin, Berry of Monroe, Chapman of Daviess, Chenowith, Coffin, Cuppy, Edmonson, English, Hamrick, Herriman, Howell, Jackson, Lane, Miller, Montgomery, Read, Reyburn, Rockhill, and Zenor—21.

So the decision of the Chair was not sustained.

Mr. Chapman of Laporte moved to reconsider the vote by which the resolution of the House, appointing a committee on the part of the House to take under consideration the communication of Charles Butler, Esq., was reciprocated.

Mr. Lane moved that the Senate do now adjourn;

The ayes and noes being called for by Messrs. Chapman of Laporte and Barbour,

*Those who voted in the affirmative are,*

Messrs. Allison, Berry of Franklin, Chapman of Daviess, Chenowith, Coffin, Edmonson, English, Hamer, Hamrick, Herriman, Howell, Jackson, Lane, Miller, Rockhill, and Wood—16.

*Those who voted in the negative are,*

Messrs. Akin, Barbour, Berry of Monroe, Bowers, Bradbury, Buell, Chapman of Laporte, Cuppy, Ellis, Goodenow, Henry, Holloway, Leviston, Logan, Major, Montgomery, Moore, Morgan of Decatur, Morgan of Rush, Murphey, Orth, Pomeroy, Read, Reyburn, Verbrike, Winchell, and Zenor—27.

So the Senate refused to adjourn.

Mr. Coffin moved that the Senate do now adjourn;

The ayes and noes being called for by Messrs. Coffin and Buell,

*Those who voted in the affirmative are,*

Messrs. Allison, Berry of Franklin, Chapman of Daviess, Chenowith, Coffin, Edmonson, English, Hamer, Hamrick, Herriman, Howell, Jackson, Lane, Miller, Rockhill, and Wood—16.

31 S



with, Coffin, Edmonson, English, Hamer, Hamrick, Herriman, Howell, Jackson, Lane, Miller, Rockhill, and Wood—16.

*Those who voted in the negative are,*

Messrs. Akin, Barbour, Berry of Monroe, Bowers, Bradbury, Buell, Chapman of Laporte, Cuppy, Ellis, Goodenow, Henry, Holloway, Leviston, Logan, Major, Montgomery, Moore, Morgan of Decatur, Morgan of Rush, Murphey, Orth, Pomeroy, Read, Reyburn, Verbrike, Winchell, and Zenor—27.

So the Senate refused to adjourn.

The question then recurred upon the motion of Mr. Chapman of Laporte to reconsider the vote by which the aforesaid resolution of the House was reciprocated.

Pending which,

On motion,

The Senate adjourned until to-morrow morning, at 9 o'clock.

## SATURDAY MORNING, DEC. 27, 1845.

The Senate assembled.

The Journal of the preceding day was read.

The President laid before the Senate the communication from the State Librarian, made in pursuance of a resolution of the Senate requesting him to furnish certain information in relation to legislative papers.

On motion by Mr. Chapman of Laporte,

The communication was referred to the committee on unfinished business.

Mr. Cuppy presented the petition of sundry citizens of Whitley county, praying a charter for a turnpike road from the county seat of said county to Raccoon Village.

On motion by Mr. Cuppy,

The petition was referred to a select committee of Messrs. Cuppy, Howell, and Rockhill.

Mr. Holloway presented the petition of Oliver Kinsey and others, on the subject of vacating a certain street in the town of West Richmond.

On motion by Mr. Holloway,

The petition was referred to a select committee of Messrs. Holloway, Bradbury, and Coffin.

Mr. Allison, from the committee on enrolled bills, made the following report:

MR. PRESIDENT:

The committee on enrolled bills, to whom was referred enrolled bills Nos. 11, 7, 39, 17, 32, 20, 58 and 38, of the Senate, have compared the enrolled with the engrossed and find them correctly enrolled, excepting No. 11. In the 3d line of the preamble in the word "manage" the letters "an" were omitted, and in the 7th line of the 1st section the word "all" is omitted, both of which omissions the committee have supplied.

Mr. Akin, chairman of the committee on finance, submitted the following report:

MR. PRESIDENT:

The committee on finance, to whom was referred bill of the House No. 73, in relation to the appointment of appraisers, have had the same under consideration, and have instructed me to report the same back to the Senate with one amendment, which, when adopted, they recommend its passage:

Amend as follows: Strike out from the enacting clause and insert in lieu of the present bill, "An act to provide for the re-appraisement of real estate."

Which report was concurred in.

On motion by Mr. Lane,

The bill was then laid upon the table.

Mr. Chapman of Laporte, chairman of the committee on the judiciary, submitted the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred bill of the House of Representatives No. 58, "A bill to amend sections 92 and 128, chapter 35, article 4, of the Revised Statutes, as far as relates to fees for services of guardians," have had the same under consideration, and have directed me to report the same back and recommend its indefinite postponement.

Which report was concurred in.

Mr. Chapman of Laporte, chairman of the committee on the judiciary, submitted the following report:



**MR. PRESIDENT :**

The committee on the judiciary, to whom was referred bill of the Senate No. 107, "An act for the suppression and prevention of sham pleading," have had the same under consideration, and have directed me to report the same back and recommend its indefinite postponement.

On the question to concur in said report,

The ayes and noes being called for by Messrs. Chapman of Laporte and Buell,

*Those who voted in the affirmative are,*

Messrs. Akin, Allison, Barbour, Berry of Monroe, Bowers, Chapman of Laporte, Coffin, Cuppy, Edmonson, Ellis, Henry, Holloway, Jackson, Lane, Logan, Major, Morgan of Rush, Murphy, Pomeroy, Reyburn, Winchell, and Zenor—22.

*Those who voted in the negative are,*

Messrs. Berry of Franklin, Buell, Chapman of Daviess, Hamer, Hamrick, Herriman, Howell, Leviston, Montgomery, Moore, Morgan of Decatur, Orth, Read, Rockhill, Verbriek, and Wood—16.

So the report was concurred in.

Mr. Allison, from the committee on enrolled bills, made the following report :

**MR. PRESIDENT :**

The committee on enrolled bills to whom was referred bills of the Senate Nos. 50, 55, 16, 57, 78, 7 and 21, have compared the enrolled with the engrossed and find them correctly enrolled.

Mr. Chapman of Laporte, from the committee on the judiciary, submitted the following report :

**MR. PRESIDENT :**

The committee on the judiciary, to whom was referred bill of the House of Representatives No. 49. A bill to amend the 54th section of the 12th chapter of the Revised Statutes of 1843, have had the same under consideration, and have directed me to report the same back to the Senate, and recommend its indefinite postponement.

Which report was concurred in.

Mr. Barbour, from the committee on the judiciary, made the following report :

**MR. SPEAKER :**

The committee on the judiciary, to whom was referred bill of the Senate No. 37. A bill in relation to advertising certain delinquent lands, have had the same under consideration, and have directed me to report that they deem further legislation on that subject unnecessary and inexpedient, and therefore recommend the indefinite postponement of said bill.

Which report was not concurred in.

On motion by Mr. Buell,

The bill was recommitted to the committee on the judiciary, with instructions to enquire into the expediency of reporting in its stead a joint resolution requiring notices of sales of sinking fund lands to be given in the counties where such lands lie.

Mr. Allison, from the committee on enrolled bills, made the following report :

**MR. PRESIDENT :**

The committee on enrolled bills to whom was referred joint resolution of the Senate No. 3, have compared the enrolled with the engrossed, and find them correctly enrolled.

Mr. Herriman moved to take from the table, No. 73. A bill (of the House) to provide for the re-appraisal of real estate heretofore appraised and subject to taxation ;

Which motion prevailed.

On motion by Mr. Herriman,

The bill was then referred to a select committee of Messrs. Herriman, Latta and Buell.

Mr. Morgan of Rush moved to instruct said committee to amend the bill by providing for a State board of equalization similar to the provisions of the act of 1841, providing for a State board of equalization.

Mr. Berry of Franklin moved to amend the instructions by striking out the words "similar to the provisions of the act of 1841, providing for a State board of equalization ;"

Which motion prevailed.

Mr. Miller moved to amend the instructions as follows : "That the assessors shall discharge the duty of appraisers of real estate ;"

Mr. Akin moved to lay the instructions and pending amendment upon the table.

The ayes and noes being called for by Messrs. Morgan of Rush and Hamrick,



*Those who voted in the affirmative are,*

Messrs. Akin, Allison, Barbour, Buell, Chapman of Daviess, Chapman of Laporte, Coffin, Cuppy, Ellis, English, Hamer, Henry, Herriman, Holloway, Howell, Lane, Logan, Major, Montgomery, Orth, Pomeroy, Read, Rockhill, Winchell, Wood, and Zenor—26.

*Those who voted in the negative are,*

Messrs. Berry of Franklin, Berry of Monroe, Bowers, Bradbury, Edmonson, Hamrick, Jackson, Leviston, Miller, Moore, Morgan of Decatur, Morgan of Rush, Murphey and Verbrike—14.

So the instructions and pending amendment were laid upon the table.

Mr. Lane, chairman of the committee on canals and internal improvements, made the following report:

MR. PRESIDENT:

The committee on canals and internal improvements, to whom was referred a bill in relation to the northern division of the central canal, have had the same under consideration, and have directed me to report the same, with several amendments, and ask the concurrence of the Senate, and recommend the passage of the bill.

Amendments to bill of the Senate, No. 75, in relation to the northern division of the Central canal:

First amendment:—In the first line of the second section, strike out the words "approved by the Governor;" and insert in lieu thereof the words "elected by joint ballot of the General Assembly."

Second amendment:—Add the following to the 7th section: "Said engineer, in constructing said wiers, shall adopt such a plan, that when there is not a full supply of water for all the lessees at any given point, the deficiency shall affect the junior lessee first, and so on, and that the date of the application to the board of public works for water power, and their acceptance of the same, shall determine the age of the leases respectively."

Third amendment:—Strike out 10th section and insert the following:

SEC. 10. Any lessee or lessees of water power on said canal, who shall use, during any part of the year, a greater number of run of stones than he, she, or they, are entitled to use by the terms of the lease made to him, her, or them, shall pay to the State for each run of stones which may exceed the number of run so leased, an annual rent of four hundred and fifty dollars, payable semi-annually, on the first days of May and November, and moreover shall be liable to any other lessee on said canal, for such damages as said other les-

see may sustain by reason of the running of such additional run of stones, to be recovered in an action of debt, before any tribunal competent to try the same.

SEC. 11. In case any such lessee or lessees should neglect or refuse for twenty days after the first days of May and November in each year, to pay such semi-annual rent for each run of stone so used, in addition to those authorized by the terms of the lease, it shall be the duty of said agent to enter upon the premises and remove therefrom, any and all run of stones which may exceed the amount actually leased; and should the removal of the same be opposed or prevented by any person or persons opposing or preventing the same, and also the lessee or lessees for whose benefit the same is opposed or prevented, shall each forfeit and pay to the State of Indiana for every such offence, any sum not exceeding two hundred dollars, nor less than one hundred dollars, to be recovered by presentment or indictment before any court having jurisdiction of the same.

SEC. 12. Any lessee or lessees who have heretofore, or who may hereafter erect, at the site of his or their lease, and attached to the machinery so as to be propelled by water from said canal, any greater number of runs of stones than are authorized by his or their lease, the same shall be deemed conclusive evidence of an intention to run the same, and shall subject him or them to the payment of said yearly rent without any further proof whatever, and evidence on the part of said lessee that he did not use such additional runs of stones shall be inadmissible to release him from the payment of said annual rent of four hundred and fifty dollars.

Which report was concurred in.

The said bill was then ordered to be engrossed and read a third time on Monday next.

Mr. Berry of Monroe, chairman of the committee on the State Library, submitted the following report:

MR. PRESIDENT:

The committee on the State Library, to whom was referred bill of the House No. 199, for the better preservation of legislative papers, have had that subject under consideration, and directed me to report the same back to the Senate without amendment, and recommend its passage.

On motion by Mr. Chapman of Laporte,

The bill was referred to the committee on unfinished business.

The following message was received from the House of Representatives by Mr. Kinder, their Clerk:



Mr. President:

I am directed by the House of Representatives to inform the Senate that the House of Representatives have passed the following engrossed bills of the Senate with two amendments, in which the concurrence of the Senate is respectfully requested:

No. 3. An act to authorize the holding of special terms of the circuit court in the twelfth judicial circuit.

And that the House of Representatives have also passed the following engrossed bill of the Senate without amendment:

No. 88. An act to extend the time of the February term of the Franklin circuit court.

And also that the House of Representatives have passed the following engrossed joint resolution of the Senate with one amendment:

No. 8. A joint resolution in relation to the election of the superintendent of the New Albany and Vincennes road;

In which amendment the concurrence of the Senate is respectfully requested.

Mr. President:

I am instructed by the House to inform the Senate that the House has passed the following engrossed bills thereof:

No. 199. An act to amend the 73d section in the 15th chapter of the Revised Statutes of 1843;

No. 241. An act for the relief of the citizens of district No. 3, in congressional township No. 28, north of range three east, in Adams township, Cass county;

No. 232. An act to amend an act fixing the time of holding courts in the fifth judicial circuit, approved January 13, 1845;

No. 239. An act to authorize the placing of swinging gates on highways in Dearborn county;

No. 243. An act in relation to the probate courts of Henry county;

No. 238. An act regulating the mode of enforcing the collection of certain costs in the several courts of this State;

No. 237. An act to amend the 65th section of the 54th chapter of the Revised Statutes of 1843;

No. 210. An act to amend the 40th chapter of the Revised Acts of 1843, relative to the serving of process;

No. 264. An act for the relief of John Johnson, of Laporte county;

No. 235. An act extending the time of holding probate courts in Shelby county;

In which the concurrence of the Senate is respectfully requested.

Mr. Ellis, from a select committee, submitted the following report:

Mr. President:

The select committee, to whom was referred the proceedings of a convention held at Vincennes, on the 24th day of September, A. D. 1845, for the improvement of the navigation of the Wabash river, having had the same under consideration, have instructed me to report the following bill, in pursuance of a resolution adopted by said convention, and recommend its passage:

No. 118. A bill to incorporate the Wabash navigation company; Which was read a first time.

On motion by Mr. Ellis,

The rules were suspended, and the bill read a second time and ordered to be engrossed and read a third time on Monday.

Mr. Rockhill, from a select committee, submitted the following report:

Mr. President:

The select committee, to whom was referred bill of the House of Representatives No. 116, to authorize the trustees of congressional township No. 28, north of range twelve east, in Wells county, to lay off a town, have had the same under consideration, and have directed me to report the same back to the Senate without amendment, and recommend its passage.

The said bill was ordered to a third reading on Monday next.

Mr. Leviston, from a select committee, submitted the following report:

Mr. President:

The select committee, to whom was referred a bill of the Senate No. 116, entitled, "A bill to authorize the people of Fayette county to elect their seminary trustees," with instructions so to amend the bill as to make its provisions general, have, according to order, had that subject under consideration, and have directed me to report the following bill, incorporating general provisions, as a substitute for the other, and respectfully recommend its passage:

No. 116. A bill to authorize the people of Fayette and other counties therein named to elect their seminary trustees;

It was moved to amend the bill by excepting from its provisions the counties of Decatur, Henry, Monroe, Brown, Montgomery, Knox, Tippecanoe, Sullivan, Vigo, Clay, Laporte, Scott, and Jackson.

On motion by Mr. Akin,



The report and pending amendment were laid upon the table.

It was then moved to amend the original bill by inserting after the word "Fayette," the names of the following counties, to-wit: Dearborn, Wayne, Franklin, Madison, Ripley, Randolph, Bartholomew, Ohio, Fulton, Marshall, St. Joseph, and Parke;

Which motion prevailed.

Mr. Chapman of Laporte moved to indefinitely postpone the bill.

The ayes and noes being called for by Messrs. Leviston and Berry of Franklin,

*Those who voted in the affirmative are,*

Messrs. Chapman of Laporte, Coffin, Ellis, Goodenow, Hamer, Montgomery, Morgan of Rush, Orth, Reyburn, and Verbriek—10.

*Those who voted in the negative are,*

Messrs. Akin, Allison, Barbour, Berry of Franklin, Berry of Monroe, Bowers, Bradbury, Buell, Chenowith, Cuppy, English, Hamrick, Henry, Herriman, Holloway, Howell, Jackson, Lane, Leviston, Logan, Major, Miller, Moore, Morgan of Decatur, Murphey, Pomeroy, Read, Rockhill, Winchell, Wood, and Zenor—31.

So the bill was not indefinitely postponed.

Mr. Pomeroy moved to amend the bill by providing that said trustees shall hold their office for the term of four years;

Which motion did not prevail.

On motion by Mr. Berry of Franklin,

The bill was then read a third time and passed.

Mr. Jackson, from a select committee, submitted the following report:

MR. PRESIDENT:

The select committee to whom was referred the petition of sundry citizens of Madison county, Indiana, on the subject of incorporating a railroad company, have had that subject under consideration, and have directed me to report a bill and recommend its passage:

No. 119. A bill to provide for the continuation of the Madison and Indianapolis railroad to Pendleton, Huntsville, and Anderson-town;

Which was read a first time.

On motion by Mr. Jackson,

The rules were suspended and the bill read a second time.

Mr. Reyburn moved to refer the bill to the committee on corporations;

Which motion did not prevail.

Mr. Jackson moved to suspend the rules and read the bill a third time now.

The ayes and noes being called for by Messrs. Chapman of Laporte and Barbour,

*Those who voted in the affirmative are,*

Messrs. Akin, Barbour, Berry of Franklin, Berry of Monroe, Buell, Chapman of Daviess, Coffin, Cuppy, Edmonson, English, Goodenow, Hamer, Hamrick, Herriman, Holloway, Howell, Jackson, Lane, Leviston, Logan, Major, Miller, Montgomery, Moore, Read, Reyburn, Rockhill, Winchell, and Wood—29.

*Those who voted in the negative are,*

Messrs. Bowers, Bradbury, Chapman of Laporte, Chenowith, Ellis, Henry, Morgan of Decatur, Morgan of Rush, Murphey, Orth, Pomeroy, Verbriek, and Zenor—13.

So the rules were suspended.

The bill was then read a third time.

Mr. Edmonson moved to refer the bill to the committee on corporations, with instructions to enquire whether or not the company, according to said bill, have the power to issue scrip.

Mr. Chapman of Laporte moved to amend the instructions as follows:

"That the committee so amend the bill as to make the stockholders individually liable for the debts of the company, in proportion to the amount of stock held by them respectively.

On the adoption of the amendment,

The ayes and noes being called for by Messrs. Chapman of Laporte and Barbour,

*Those who voted in the affirmative are,*

Messrs. Barbour, Berry of Franklin, Chapman of Daviess, Chapman of Laporte, English, Herriman, Howell, Major, and Miller—9.

*Those who voted in the negative are,*

Messrs. Akin, Allison, Bowers, Bradbury, Buell, Chenowith, Coffin, Cuppy, Edmonson, Ellis, Goodenow, Hamer, Hamrick, Henry, Holloway, Jackson, Lane, Leviston, Logan, Montgomery, Moore, Morgan of Decatur, Morgan of Rush, Murphey, Orth, Pomeroy, Read, Reyburn, Rockhill, Verbriek, Winchell, Wood, and Zenor—33.

So the amendment was not adopted.

The question then recurring on referring the bill, with the instructions, to the committee on corporations,

It was decided in the negative.



The question then recurring upon the passage of the bill,  
The ayes and noes were called for by Messrs. Chapman of Laporte  
and Barbour; and

*Those who voted in the affirmative are,*

Messrs. Akin, Allison, Berry of Franklin, Berry of Monroe,  
Bowers, Bradbury, Buell, Chapman of Daviess, Chenowith, Coffin,  
Cuppy, Edmonson, Ellis, Goodenow, Hamer, Hamrick, Henry, Her-  
riman, Holloway, Howell, Jackson, Lane, Leviston, Miller, Mont-  
gomery, Moore, Morgan of Rush, Murphey, Orth, Pomeroy, Read,  
Rockhill, Winchell, Wood, and Zenor—35.

*Those who voted in the negative are,*

Messrs. Barbour, Chapman of Laporte, English, Logan, Major,  
and Morgan of Decatur—6.

So the bill was passed.

Mr. Lane, chairman of the joint committee on the subject of Mr.  
Butler's communication, submitted the following report:

MR. PRESIDENT:

I am directed by the joint committee to whom was referred a  
communication of his Excellency the Governor, enclosing a com-  
munication of Charles Butler, Esq., in relation to our State debt, to  
report to the Senate that all expenses of printing, clerk hire, and all  
other expenses appertaining to the action of said committee, have  
been fully satisfied by the individual members of said committee.

Mr. English, from a select committee, submitted the following  
report:

MR. PRESIDENT:

The select committee to whom was referred the petition of sundry  
citizens of Scott county, have had the same under consideration,  
and have directed me to report a bill in accordance with the prayer  
of said petitioners:

No. 120. A bill to prohibit the county court of Scott county from  
levying a tax therein named;

Which was read a first time.

On motion by Mr. English,

The rules were suspended, and the bill read a second and third  
times, and passed.

By leave of the Senate,

Mr. Akin presented the petition of Joseph W. Briggs, praying for  
relief;

On motion by Mr. Akin,

The petition was referred to the committee on the judiciary.

Leave being granted,

Mr. Pomeroy, from the committee on the judiciary, submitted the  
following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred bill No.  
104, (of the House,) entitled "An act increasing the *per diem* allow-  
ance of grand and petit jurors," have had the same under considera-  
tion, and instructed me to report the same back to the Senate, with  
one amendment, to-wit: Amend by striking out from the enacting  
clause, and inserting the accompanying amendment, and recom-  
mend its adoption, and ask the passage of the bill:

"Sec. 1. That the grand and petit jurors of the several counties  
in said State, shall each be entitled to receive the sum of one dollar  
per day, for each day they may serve as such:

*Provided, however,* The board of commissioners of the several  
counties in said State, shall at any regular session thereof, have  
power to reduce the *per diem* allowance to seventy-five cents, or in-  
crease the same to one dollar and twenty-five cents per day for such  
jurors within their respective counties."

Which report was concurred in.

On motion by Mr. Pomeroy,

The title of the bill was amended by striking out the word, "in-  
creasing," and inserting the word, "fixing."

Leave being granted,

Mr. English introduced,

No. 121. A bill to establish a State road in Scott county;

Which was read a first time.

On motion by Mr. English,

The rules were suspended, and the bill read a second and third  
times, and passed.

Leave being granted,

Mr. Hamrick introduced,

No. 122. A bill in relation to the publication of the delinquent  
lists of lands;

Which was read a first and second times, the rules being suspend-  
ed, and,

On motion by Mr. Hamrick,

Referred to the committee on the judiciary.

Leave being granted,



Mr. Bowers introduced,

No. 123. A bill to amend an act, entitled "An act to provide for erecting a bridge across Laughery creek, in Ripley county;"

Which was read a first time.

On motion by Mr. Bowers,

The rules were suspended, and the bill read a second time, and referred to a select committee of Messrs. Bowers, Buell, and Morgan of Rush.

Leave being granted,

Mr. Ellis introduced,

No. 124. A bill to punish libellers by indictment;

Which was read a first time.

On motion by Mr. Ellis,

The rules were suspended, and the bill read a second time, and referred to the committee on the judiciary.

Leave being granted,

Mr. Rockhill introduced,

No. 125. A bill for the relief of Dickey and Quinn;

Which was read a first time.

On motion by Mr. Rockhill,

The rules were suspended, and the bill read a second time, and referred to the committee on claims.

Leave being granted,

Mr. Chapman of Daviess introduced,

No. 126. A bill for the relief of Martin Fitzpatrick, of Daviess county;

Which was read a first and second times, the rules being suspended.

Mr. Howell moved to refer the bill to the committee on canals and internal improvements;

Which motion did not prevail.

On motion by Mr. Chapman of Daviess,

The bill was then referred to the committee on claims.

When resolutions of the Senate were called for,

The President announced, as pending, the motion of Mr. Chapman of Laporte, to reconsider the vote by which was reciprocated the resolution of the House of Representatives, appointing a committee to act with a committee on the part of the Senate, on the communication of Mr. Butler.

Mr. Chapman of Laporte, moved the previous question, which was not seconded.

The question recurring upon reconsidering the said vote,

The ayes and noes were called for by Messrs. Chapman of Laporte, and Barbour, and,

*Those who voted in the affirmative are,*

Messrs. Barbour, Bowers, Bradbury, Buell, Chapman of Laporte,

Ellis, Holloway, Leviston, Logan, Major, Morgan of Decatur, Murphey, Orth, and Winchell—14.

*Those who voted in the negative are,*

Messrs. Akin, Allison, Berry of Franklin, Berry of Monroe, Chapman of Daviess, Chenoweth, Coffin, Edmonson, English, Goodenow, Hamer, Hamrick, Herriman, Howell, Jackson, Lane, Miller, Montgomery, Moore, Morgan of Rush, Pomeroy, Read, Reyburn, Rockhill, Wood, and Zenor—26.

So the motion to reconsider did not prevail.

The following message was received from the House of Representatives, by Mr. Kinder, their Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives, to inform the Senate, that the House have passed without amendment, engrossed bill of the Senate, of the following title:

No. 79. An act to amend an act entitled "An act to incorporate the Buffalo and Mississippi railroad company, approved February 6, 1835.

Mr. Holloway offered the following resolution:

WHEREAS, On the 17th inst. the Senate passed a resolution calling upon his Excellency, the Governor, respectfully to communicate to the Senate such evidence as he may have in his possession relative to the authority of Mr. Butler, being the agent of our bondholders: AND WHEREAS, His Excellency has, for reasons, doubtless satisfactory to himself, declined to reply to the said resolution: Therefore,

*Be it resolved*, That his Excellency be again most respectfully requested to reply to the reasonable requests contained in said resolution, at as early a day as may suit his pleasure.

On motion by Mr. Lane,

The resolution was laid upon the table.

Mr. Ellis offered the following resolution:

*Resolved*, That the Auditor of State communicate to the Senate the following information, as soon as practicable, to-wit:

1st. The amount of bonds issued on account of the Wabash and Erie canal, east of Tippecanoe.

2d. The amount of interest in arrear on the same.

3d. The amount of interest on the coupons that have fallen due, attached to said bonds.

4th. The amount of funds or assets that were irrevocably pledged and appropriated by the act under which said loan was contracted,



to meet the same, now remaining on hand, or which may at any time become available.

1st. The lands donated by the United States for the construction of said canal, remaining unsold, and the value thereof.

2d. The amount due on account of the sales of said lands, and the condition of said arrears.

3d. Also, the amount of land scrip issued for the construction of the canal west of Tippecanoe river, which has been received for tolls, and the value of the same; as well as all other resources, and the value of the same to meet said bonds first above referred to;

Mr. Coffin moved to amend the resolution as follows, to-wit:

Amend by requiring the Auditor to report the amount expended by the State in improving the Wabash rapids, the interest on the same, and what it yields to the State.

Which motion prevailed.

Mr. Lane moved to amend the resolution as follows:

That the same enquiry be extended to the several works of internal improvement in the system of 1835-'6.

Pending which,

Mr. Lane moved that the Senate do now adjourn.

The ayes and noes being called for by Messrs. Murphey and Chapman of Laporte,

*Those who voted in the affirmative are,*

Messrs. Akin, Allison, Berry of Franklin, Berry of Monroe, Buell, Chapman of Daviess, Chenowith, Coffin, Cuppy, Edmonson, English, Hamrick, Herriman, Howell, Jackson, Lane, Miller, Montgomery, Moore, Pomeroy, Read, Rockhill, Wood, and Zenor—24.

*Those who voted in the negative are,*

Messrs. Barbour, Bowers, Bradbury, Chapman of Laporte, Ellis, Goodenow, Hamer, Henry, Holloway, Logan, Major, Morgan of Decatur, Morgan of Rush, Murphey, Orth, Reyburn, and Winchell—17.

And the Senate adjourned until two o'clock, P. M.

*2 o'clock, P. M.*

The Senate met.

The President laid before the Senate a communication from his Excellency, the Governor, made in pursuance of a resolution of the Senate, requesting him to communicate certain intelligence in relation to the authority of Mr. Butler, agent of our bondholders.

Mr. Lane moved that the report be laid upon the table, and 500 copies be printed for the use of the Senate.

Mr. Chapman of Laporte, called for a division of the question.

The question then recurring upon laying the report upon the table;

It was decided in the affirmative.

The question then recurring on printing 500 copies of the report;

The ayes and noes were called for by Messrs. Chapman of Laporte and Murphey;

*Those who voted in the affirmative are,*

Messrs. Akin, Allison, Berry of Franklin, Berry of Monroe, Buell, Chapman of Daviess, Chenowith, Coffin, Edmonson, English, Hamrick, Herriman, Howell, Jackson, Lane, Leviston, Major, Montgomery, Rockhill, and Wood—20.

*Those who voted in the negative are,*

Messrs. Barbour, Bowers, Bradbury, Chapman of Laporte, Ellis, Goodenow, Henry, Holloway, Logan, Miller, Moore, Morgan of Decatur, Morgan of Rush, Murphey, Orth, Pomeroy, Reed, Winchell, and Zenor—19.

So the motion to print 500 copies prevailed.

The Senate then resumed the consideration of Mr. Ellis's resolution and amendment of Mr. Lane, pending at the adjournment.

The amendment was adopted.

And the resolution as amended, was then adopted.

Mr. Akin offered the following resolution:

*Resolved*, That the Senate will, the House of Representatives concurring therein, proceed to the election of a Superintendent on the New Albany and Vincennes McAdamized road on Monday next, at two o'clock, P. M.

On motion by Mr. Buell,

The resolution was laid upon the table.

Mr. Morgan of Decatur, offered the following resolution:

*Resolved*, That the committee on finance be instructed to enquire



whether the interest of the State requires the services of the State Agent, and if so, whether the salary of said officer ought to be reduced or not, with leave to report by bill or otherwise.

Which was adopted.

Mr. Buell offered the following resolution:

*Resolved*, That the Auditor of State be authorized to employ a clerk during the remainder of the session.

Which was adopted.

Mr. Morgan of Rush, offered the following resolution:

*Resolved*, That the committee on education be instructed to enquire into the expediency of adopting the manual labor system in the Indiana Asylum for the education of the deaf and dumb, as far as practicable; and that they also enquire into the expediency of permanently locating said Asylum on the farm purchased for the location of a Lunatic Asylum.

Which was adopted.

Mr. Pomeroy introduced

No. 127. A bill to vacate a certain alley in the town of Plymouth;

Which was read a first time.

On motion by Mr. Pomeroy,

The rules were suspended,

And the bill read a second and third times, and passed.

Mr. Barbour introduced,

No. 128. A bill in relation to the navigable portion of the Wabash and Erie canal, and to abolish the office of general superintendent thereon;

Which was read a first time, and ordered to a second reading.

Mr. Holloway moved to take from the table,

No. 29. A bill (of the Senate) to incorporate the Richmond and Miami railroad company;

Which motion prevailed.

Mr. Holloway moved to refer the bill to a select committee, with instructions to strike out \_\_\_\_\_ as the capital stock, and insert \$50,000, and the work to be commenced when \$20,000 are subscribed.

Mr. Herriman moved to refer the bill to the committee on corporations;

Which motion did not prevail.

The bill was then referred to a select committee of Messrs. Holloway, Murphey and Wood.

Mr. Miller moved to take from the table,

No. 87. A bill (of the Senate) to attach additional territory to the county of Crawford;

Which motion prevailed.

Mr. Zenor moved to indefinitely postpone the bill;

Pending which,

On motion by Mr. Berry of Monroe,

The bill was laid upon the table.

Mr. Barbour moved to reconsider the vote by which the bill for the relief of A. Hendricks and son was indefinitely postponed.

Mr. Lane moved a call of the Senate;

Which was ordered.

On motion by Mr. Lane,

The further call was suspended.

The question then recurring upon reconsidering the said vote,

The ayes and noes were called for by Messrs. Barbour and Edmonson; and,

*Those who voted in the affirmative are,*

Messrs. Allison, Barbour, Bowers, Bradbury, Chapman of Laporte, Chenowith, Coffin, Ellis, English, Goodenow, Hamer, Hamrick, Henry, Holloway, Montgomery, Moore, Morgan of Decatur, Morgan of Rush, Orth, Pomeroy, Winchell, and Zenor—22.

*Those who voted in the negative are,*

Messrs. Akin, Berry of Franklin, Berry of Monroe, Buell, Edmonson, Herriman, Howell, Jackson, Lane, Leviston, Logan, Major, Murphey, Read, Rockhill, and Wood—15.

So the motion to reconsider prevailed.

On motion by Mr. Lane,

The bill was then referred to the committee on canals and internal improvements.

Mr. Hamer introduced,

No. 129. A bill to vacate sixteen town lots in the town of Harrisonville;

Which was read a first time, and ordered to a second reading.

Mr. Chapman of Laporte introduced,

No. 130. A bill to amend the practice at law;

Which was read a first time.

On motion by Mr. Chapman of Laporte,

The rules were suspended,

And the bill read a second time, and referred to the committee on the judiciary.

On motion by Mr. English,

The messages from the House of Representatives were then taken up.

No. 69. A bill in relation to a contractor on the Madison and Indianapolis railroad;

Which was read a first time.

On motion by Mr. Barbour,

The rules were suspended,



And the bill read a second time, and referred to the committee on claims.

No. 183. A bill to correct the boundary line of Richardville county;

Read a first time, and ordered to a second reading.

No. 204. A bill defining the boundaries between the counties of Clarke and Washington;

Read a first and second times, the rules being suspended, and ordered to a third reading.

No. 81. A bill to provide for the leasing of water power on the Wabash and Erie canal;

Read a first time, and ordered to a second reading.

No. 110. A bill to authorize a re-appraisement and sale of school lands in this State;

Read a first time, and ordered to a second reading.

No. 206. A bill changing the time of holding probate courts in Cass county;

Read a first time, and ordered to a second reading.

No. 214. A bill to change the mode of working roads in Rush county;

Read a first time, and ordered to a second reading.

No. 195. A bill to change the time of holding probate courts in the county of Pike;

Read a first time.

On motion by Mr. Edmonson,

The rules were suspended,

And the bill read a second and third times, and passed.

No. 209. A bill to extend the provisions of the Revised Statutes of 1843, in relation to roads and highways, to the county of Posey;

Read a first time, and ordered to a second reading.

No. 208. A bill to repeal in part an act entitled "An act to provide for summoning grand and petit jurors in Decatur and Warren counties," approved January 15, 1845;

Read a first and second times, the rules being suspended;

On motion by Mr. Morgan of Decatur,

The bill was then referred to a select committee of Messrs. Morgan of Decatur, Montgomery and Akin.

No. 197. A bill for the relief of the heirs of Michael Ross, deceased;

Read a first time, and ordered to a second reading.

No. 191. A bill authorizing the president and trustees of Lafayette to purchase and hold real estate, and for other purposes;

Read a first time.

On motion by Mr. Pomeroy,

The rules were suspended, and the bill read a second and third times, and passed.

No. 190. A bill to regulate the time of holding circuit courts in the county of Tippecanoe;

Read a first time, and ordered to a second reading.

No. 189. A bill to provide for the more effectual punishment of certain offences, in the county of Allen;

Read a first time, and ordered to a second reading.

No. 192. A bill in relation to supervisors of roads in the counties of Kosciusko and Whitley;

Read a first time, and ordered to a second reading.

No. 201. A bill prescribing the mode of selecting petit jurors in Sullivan county;

Read a first time;

On motion by Mr. Akin,

The rules were suspended, and the bill read a second and third times, and passed.

No. 196. A bill to extend the provisions of an act therein named, to Madison county;

Read a first time, and ordered to a second reading.

No. 194. A bill to extend the terms of the board doing county business, in the county of Tippecanoe;

Read a first time, and ordered to a second reading.

No. 193. A bill authorizing Rhoda Butler to mortgage certain real estate;

Read a first time, and ordered to a second reading.

No. 188. A bill to secure a more economical management of the common school fund;

Read a first time.

On motion by Mr. Chapman of Laporte,

The rules were suspended, and the bill read a second time.

On motion by Mr. Henry,

The bill was then referred to the committee on education.

No. 187. A bill in relation to the fees of the recorder and auditor in the counties of Jackson, Adams, and Jay.

Read a first time.

On motion by Mr. English,

The rules were suspended, and the bill read a second time, and ordered to a third reading.

No. 186. A bill to reduce the fees of the recorder of Johnson county;

Read a first time, and ordered to a second reading.

No. 181. A bill to remunerate justices of the peace of the county of Warrick for services on the county board;

Read a first time.

On motion by Mr. Howell,

The rules were suspended, and the bill read a second and third times, and passed.

No. 178. A bill for the relief of borrowers of the surplus revenue and other funds, and for the better securing of the payment thereof;

Read a first and second times, the rules being suspended.

On motion by Mr. Edmonson,



The bill was then referred to the committee on education.

No. 175. A bill to dissolve the bonds of matrimony between Frederick Hartsell and Rosanna Hartsell;

Read a first time and ordered to a second reading.

No. 177. A bill for the relief of James Rutherford;

Read a first time, and ordered to a second reading.

No. 174. A bill to survey and locate a State road from Robinson's ferry, on White river, in Daviess county, to Harrisonville, in Martin county;

Read a first time, and ordered to a second reading.

No. 173. A bill declaring a certain road therein named a State road;

Read a first time, and ordered to a second reading.

No. 171. A bill to dissolve the bonds of matrimony between Adam Shambrough and Elizabeth Shambrough;

Read a first time, and ordered to a second reading.

No. 148. A bill for the relief of the widow and children of Jesse Clinger, deceased;

Read a first time, and ordered to a second reading.

No. 217. A bill for the relief of Barbara Ann May;

Read a first time, and ordered to a second reading.

No. 215. A bill to dissolve the bonds of matrimony between Benjamin Rosecrants and Sarah Ann Rosecrants, citizens of Perry county;

Read a first time, and ordered to a second reading.

No. 157. A bill incorporating the Logansport and Rochester Michigan road company;

Read a first time.

On motion by Mr. Pomeroy,

The rules were suspended, and the bill referred to the committee on corporations.

No. 212. A bill transferring the duties of school commissioners of Daviess and Martin counties, to the treasurers of said counties;

Read a first time, and ordered to a second reading.

No. 182. A bill to legalize certain deeds therein named;

Read a first time, and ordered to a second reading.

No. 103. A bill to modify the 30th section of chapter 16, of the Revised Statutes;

Read a first time, and ordered to a second reading.

No. 185. A bill to amend an act therein named;

Read a first time, and ordered to a second reading.

No. 211. A bill to revive part of an act therein named, in the county of Dearborn;

Read a first time, and ordered to a second reading.

No. 156. A bill for the relief of the purchasers of canal lands lying in the county of Cass;

Read a first time, and ordered to a second reading.

No. 12. A bill (of the Senate) to remove the disability of Francis

La Fontaine, Catharine Richardville, La Blond Richardville, and Susan Richardville to sell and convey real estate, and to legalize any sales that may have been made by them, or either or any of them, previous to the passage of this act;

The House passed the following engrossed amendment to said bill;

Amend by adding the following:

"All the privileges and provisions of this act, are hereby extended to the widow and children of Francis Godfrey, late of Miami county deceased."

2d. Amend the title to correspond.

On motion by Mr. Coffin,

The bill and amendments were laid upon the table.

No. 15. A bill (of the Senate) to incorporate the Grand Lodge of the Independent Order of Odd Fellows of the State of Indiana;

The House passed the following engrossed amendments to said bill:

*Provided*, That upon a repeal of the charter or the dissolution of the corporation, the property held by said corporation at the time of such repeal, may be disposed of, sold and conveyed in such manner as a majority of the corporators shall direct."

Which amendment was concurred in.

No. 8. A joint resolution (of the Senate) on the subject of the election of the superintendent on the New Albany and Vincennes McAdamized road;

The House passed the following amendment to said joint resolution:

"Or any law that may be hereafter passed on that subject."

Which amendment was concurred in by the Senate.

No. 168. A bill (of the House) to punish embezzlement in the same manner that grand larceny is now punishable by law;

Read a first time, and ordered to a second reading.

No. 246. A bill to vacate a certain alley in the town of Greencastle;

Read a first time, and ordered to a second reading.

No. 221. A bill prescribing the mode of advertising sales of lands mortgaged to the Sinking Fund;

Read a first time, and ordered to a second reading.

No. 264. A bill for the relief of John Johnson, of Laporte county;

Read a first time, and ordered to a second reading.

No. 243. A bill in relation to the probate courts of Henry county;

Read a first time, and ordered to a second reading.

No. 241. A bill for the relief of the citizens of district No. 3, in congressional township, No. 28, north of range 3 east, in Adams township, Cass county;

Read a first time, and ordered to a second reading.



No. 239. A bill to authorize the placing of swinging gates on highways, in Dearborn county;

Read a first time, and ordered to a second reading.

No. 238. A bill regulating the mode of enforcing the collection of certain costs in the several courts of the State;

Read a first time.

On motion by Mr. Chapman of Laporte,

The rules were suspended;

And the bill read a second time, and referred to the committee on the judiciary.

No. 235. A bill extending the time of holding probate courts, in Shelby county;

Read a first time, and ordered to a second reading.

No. 152. A bill to amend article 5, of chapter 40, of the Revised Statutes of 1843;

Read a first time, and ordered to a second reading.

No. 222. A bill providing for the election of an additional justice of the peace in Union township, Montgomery county;

Read a first time, and ordered to a second reading.

No. 158. A bill to establish a certain State road therein named, in Fountain county;

Read a first time, and ordered to a second reading.

No. 237. A bill to amend the 65th section of the 54th chapter of the Revised Statutes of 1843;

Read a first time, and ordered to a second reading.

No. 218. A bill to incorporate the female seminary of St. Mary's of the Woods, in Vigo county;

Read a first time, and ordered to a second reading.

No. 232. A bill to amend an act fixing the time of holding courts in the fifth judicial circuit, approved January 13, 1845;

Read a first time and ordered to a second reading.

No. 210. A bill to amend the fortieth chapter of the Revised Acts of 1843, relative to the serving of process;

Read a first time and ordered to a second reading.

No. 199. A bill to amend the seventy-third section in the fifteenth chapter of the Revised Statutes of 1843;

Read a first time and ordered to a second reading.

No. 136. A bill to amend the 326th section of chapter forty, Revised Statutes of 1843;

Read a first time and ordered to a second reading.

No. 180. A bill for the benefit of the widow and heirs of John Sering, late of Jefferson county, deceased;

Read a first time and ordered to a second reading.

No. 244. A bill to authorize William M. Hughes and Willis Hodges to substitute their notes and mortgages to the State for that of Otis and William Page;

Read a first time.

On motion by Mr. Goodenow,

The rules were suspended, and the bill read a second time and referred to the committee on the State Bank.

No. 226. A bill for the relief of Nathaniel Coal, of Warrick county;

Read a first time and ordered to a second reading.

No. 133. A bill to amend an act entitled, "An act in relation to proceedings in the probate courts," approved January 13, 1845;

Read a first time and ordered to a second reading.

No. 223. A bill declaring a mistake in the Revised Statutes of 1843, in relation to the boundary of Fulton and Kosciusko counties, and for other purposes;

Read a first time and ordered to a second reading.

No. 227. A bill to authorize clerks of circuit courts to administer oaths to certain persons therein named;

Read a first time and ordered to a second reading.

No. 220. A joint resolution on the subject of the reservoir in Mercer county, Ohio;

Read a first time and ordered to a second reading.

On motion,

The Senate adjourned.

## MONDAY MORNING, DEC. 29, 1845.

The Senate assembled.

The Journal of the preceding day having been read,

Mr. Zenor presented the remonstrance of sundry citizens of Harrison county, in relation to the addition of a portion of said county to the county of Crawford.

On motion by Mr. Miller,

The remonstrance was laid upon the table.

Mr. Todd presented the petition of the common council of the city of Indianapolis, in relation to the purchase of a suction engine and hose.

On motion by Mr. Todd,

The petition was referred to the committee on the affairs of the town of Indianapolis.

Mr. Rockhill presented the petition of Silas Doty, praying for a change of venue in a certain case therein named.



On motion by Mr. Rockhill,  
Said petition was referred to a select committee of Messrs. Rockhill, Chapman of Laporte, and Ellis.

Mr. Buell presented the petition of A. Morgan and others, in relation to the repeal of a part of the Revised Statutes therein named.

On motion by Mr. Buell,  
The petition was referred to the committee on the judiciary.  
Mr. Rockhill presented the petition of sundry citizens of the county of Allen, in relation to an increase of water on the Wabash and Erie canal.

On motion by Mr. Rockhill,  
The petition was referred to the committee on canals and internal improvements.

Mr. Wood presented the petition of William Dickson and others, praying for a law for the revaluation of certain school lands in Randolph county.

On motion by Mr. Wood,  
The petition was referred to a select committee of Messrs. Wood, Leviston, and Hardin.

Mr. Jones presented the petition of sundry citizens of Fountain county, in relation to injuries done to certain lands by the construction of the Wabash and Erie canal.

On motion by Mr. Jones,  
The petition was referred to the committee on canals and internal improvements.

Mr. Rockhill presented the petition of sundry citizens of Allen county, in relation to supporting the poor in said county.

On motion by Mr. Rockhill,  
The petition was referred to a select committee of Messrs. Rockhill, Herriman, and Winchell.

Mr. Parks presented the petition of C. C. Hamilton and others, praying for a charter of a railroad company from Martinsville to Franklin, in Johnson county.

On motion by Mr. Parks,  
The petition was referred to a select committee of Messrs. Parks, Hamrick, and Chapman of Daviess.

Mr. Jones presented the petition of Cassia Emmons, in relation to injury done his land by the construction of the Wabash and Erie canal.

On motion by Mr. Jones,  
The petition was referred to the committee on canals and internal improvements.

Mr. Montgomery presented the petition of sundry citizens of Tippecanoe county, in relation to a State road therein named.

On motion by Mr. Montgomery,  
The petition was referred to a select committee of Messrs. Montgomery, Reyburn, and Todd.

Mr. Hardin presented the petition of sundry citizens of Johnson county, in relation to abolishing the office of county auditor in said county.

On motion by Mr. Hardin,  
The petition was laid upon the table.

Mr. Davis presented the petition of sundry citizens of the city of New Albany, praying that the qualified voters in Floyd county shall, at their township elections in April, 1846, decide whether or not the county board shall grant licenses for the sale of intoxicating liquors in such township.

On motion by Mr. Davis,  
The petition was referred to a select committee of Messrs. Davis, Read, and Goodenow.

Mr. Jackson presented the petition of sundry citizens of Madison county, praying for a change in the assessment law.

On motion by Mr. Jackson,  
The petition was referred to the committee on finance.

Mr. Allison presented the petition of sundry citizens of Greene county, praying the passage of a law incorporating the White River Presbyterian Church.

On motion by Mr. Allison,  
The petition was referred to a select committee of Messrs. Allison, Buell, and Bowers.

Mr. Pomeroy, from the committee on the judiciary, submitted the following report:

#### MR. PRESIDENT:

The committee on the judiciary, to which was referred a resolution of the Senate, instructing said committee to enquire into the expediency of reporting a joint resolution upon the subject of liens upon real estate, have had that matter under consideration, and instructed me to report the accompanying joint resolution and respectfully recommend its passage:

No. 9. A joint resolution on the subject of liens upon real estate; Which was read a first time and ordered to a second reading.

Mr. Chapman of Laporte, chairman of the committee on the judiciary, submitted the following report:

#### MR. PRESIDENT:

The committee on the judiciary, to which was referred a bill (of the Senate) No. 14, "A bill to authorize the qualified voters of this State to vote for or against the calling of a convention for a revision of the constitution of this State," have had the same under consideration, and have directed me to report the same back and recommend its indefinite postponement.



On motion by Mr. Edmonson,  
The report and bill were laid upon the table.  
Mr. Chapman of Laporte, chairman of the committee on the judiciary, submitted the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred bill of the House of Representatives No. 89, "A bill to amend the Statute regulating the duties of clerks of executors' and administrators' sales," have had the same under consideration, and have directed me to report the same back without amendment, and recommend its passage.

The bill was then ordered to a third reading.

Mr. Pomeroy, from the committee on the judiciary, submitted the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred a resolution instructing said committee to enquire into the expediency of reporting a bill establishing and regulating the fees of the several county and township officers in this State, have had the same under consideration, and instructed me to report the accompanying bill and recommend its passage:

No. 131. A bill to amend an act entitled, "An act regulating the fees and salaries of the several officers and persons therein named," approved February 7, 1831;

Which was read a first time and ordered to a second reading.

Mr. Berry of Monroe, from the minority of the committee on education, submitted the following report:

MR. PRESIDENT:

The minority of the committee on education, to whom was referred the resolution of the Senate directing them to report a bill for the permanent location of the deaf and dumb asylum, at as early a day as convenient, and also a petition of divers citizens of Monroe county, praying, among other things, its location at Bloomington, and that the trustees of the State University be made the trustees of said asylum, and that the use of the philosophical apparatus of the University be extended to the mutes, and tendering a donation to the State in case of its location there, not being able to concur with a majority of said committee in all the conclusions to which they

have come, beg leave to submit to the Senate the grounds of their dissent in a minority report.

In relation to the duty or the ability of the State to provide for the education of the deaf and dumb, we deem it wholly unnecessary to enter upon an argument. The whole people of the State with one voice admit both, and we feel satisfied that every Senator is ready to give effect to the public voice by efficient legislative action. In the times of general embarrassment through which we have just passed, it is as gratifying to the friends of humanity every where, as it is honorable to the people of the State, to know that there were very few, if any, of them who possessed "so fatherly an affection for his purse" as to be unwilling to loose its strings with cheerfulness to meet the calls of the General Assembly for this purpose, or would now, that the embarrassment has passed away, hold his representative guiltless who should timidly shrink from making the necessary appropriation to give to the asylum both permanency and efficiency.

As it is the duty of the State to provide permanently for the education of the deaf and dumb, so also is her interest. As it is in private life, so also it is in public—that duty and interest are inseparably connected; and we feel assured that the Senate would not, if it could, and could not, if it would, separate the one from the other, and especially when the unoffending and unfortunate mute would be the sufferer by a course so unwise and impolitic.

But while in these views they fully concur with a majority of the committee on education, they are far from believing that it is either the duty or the interest of the State to make the location at Indianapolis, the point designated for that purpose by the majority of said committee.

The minority, in presenting to the Senate their views upon this subject, will not attempt to excel the majority in the numerical strength of the position assumed by them in support of their conclusions, under the full conviction that an argument is more to be valued for its *quality* than its *quantity*.

Nor are the minority able to see the force of several of the positions of the majority, for the reason that the same things are equally true of *many other places*, as, for instance, that Indianapolis is nearly central in the State, and of easy access; but if it were otherwise, these facts of themselves would be entitled to but little weight in the determination of the point at issue. The positions of other towns in the State are sufficiently central for all useful purposes, and certainly none of them inaccessible. Such has been the enterprise of our fellow-citizens that through every county in the State there are leading thoroughfares already open, and although perhaps other towns have not been built by the *crumbs* which have fallen from or *leaked out of* the public treasury, or their roads and highways been made smooth by the toil of others, yet they are sufficient for the present use and convenience of the people, and would not be objectionable on that ac-



count to the unfortunate mutes or their friends, and so far from the present advancement of Indianapolis over the neighboring towns of the State being regarded as an argument in favor of taking from the less fortunate and giving to her "that hath in abundance" still more it is, in the opinion of the minority, the very reverse. The minority are of opinion that those to whom the guardianship of the mute is committed, will not so much care to know whether the asylum is or is not within a given distance of the geographical centre of the State, or consult so much their own feelings as to the comparative pleasantness of the journey to and from it, as he would care to know that its location was at a point free from moral and physical pestilence, and that the cost of the mute's sojourn at the asylum was within his ability to pay.

It is the duty both of the State and of such guardians to look for that point at which health is most likely to be secured at the least charge to either, and not the geographical or numerical centre, or the particular quality of the highways or byways to or from it.

Nor can the minority concur with the majority of said committee in believing that information in relation to the true condition of such an asylum can or would be more likely to be disseminated from the seat of government than from Bloomington, Greencastle, Crawfordsville, and many other places.

It is no doubt true, that in the course of the year there are more persons travelling through Indianapolis as well as more visitors to it than to either of the other points. From the first of these classes nothing could be expected tending to extend the blessings of the asylum, and it might be well to consider whether the State could reasonably expect more from the latter. The visitors may be said to consist principally of the members of the General Assembly and their visitors and friends, and the officers and members of the superior courts, and from the very nature of the business of all these nothing would generally be known about the condition or management of such an asylum, except that which might be derived from reports of the trustees, and from the local rumor of the place. The former of which could as readily be supplied from other points, and the latter it is believed would be more likely to mislead than to instruct the public mind in relation to it.

So general have the means of intercommunication become, it is believed there will not be wanting those of disseminating through every part of the State the desired information, and hence the superiority of the location at Indianapolis over other points is deemed imaginary.

It may safely be remarked, that the crowd of strangers that congregate at the seat of government, could not be admitted within the asylum without manifest detriment to the inmates, as well from the derangement and delay it would necessarily produce in the course of instruction, as also from the character of the population itself. There may be found the gentleman, the scholar, the treasury leach, the loafer, the blackleg, the pickpocket, and the prostitute, all alike

strangers to the managers of the institution, with no possible means of distinguishing at once the one from the other, and this fact alone, it seems to the minority, would form a great objection with parents and guardians against placing their children and wards within such an atmosphere, and certainly could not therefore make it desirable to the State as a place of permanent location. The majority of the committee seem to be impressed with the propriety of the location at Indianapolis from the fact, that there the mute might learn much from observation. But we think it would be well to consider whether, under all the circumstances, as much would not be there thus obtained that ought not to be learned by them, as there would be of a different character. The minority are fully persuaded that by means of the students, visitors, and trustees of the colleges and universities of the State, if located in the vicinity of either, more of the right sort of information would be imparted than could or would be done from Indianapolis.

Of a like unsubstantial and unsatisfactory character is the argument founded upon the exhibition of the mutes in the presence of the members of the General Assembly. While we do not doubt but that to them, as well as to all others, these exhibitions are both instructive and amusing, yet we will not permit ourselves to allow that the enlightened Representatives of the people are, by such means, to be taught their duty to the deaf and dumb, or that they would make for such an institution an unwise location otherwise for the sake of gratifying their own curiosity.

The minority of your committee are further of the opinion that the important matters necessary to be determined in making the selection for the site of the asylum are,

*First.* The comparative health and public morals of the places at which the location is proposed to be made.

*Second.* The comparative rates of boarding, &c., at such place.

*Third.* The costs of procuring a suitable site, and the material for the constructing of durable buildings; and,

*Fourth.* The interest and feelings of the surrounding inhabitants on the subject of the location; and upon all these points they are constrained to decide upon its location at Bloomington to any other place in the State.

If it is the duty of the State to provide an asylum for the deaf and dumb, and no one will doubt it, certainly it would not be desirable to place it where these children of misfortune would be brought within the range of the epidemic diseases which every year are known to visit the inhabitants of the White river valley. It would be a strange and unnatural philanthropy which would propose to cultivate the powers of their minds at the expense of their physical constitutions and the hazard of their lives; and may it not be this cause which has prohibited so many from already sharing in the blessings of the institution? It has not certainly been from the want of ample provision to take charge of more, or the want of the



knowledge of that fact by the whole public. The trustees of the institution in their report to the Senate, now on the desks of Senators, have told us that they "have used their best endeavors to circulate throughout the State any information that might be calculated to further the interests of the asylum." They published a circular in the newspapers of the State, and they sent round the same circular in pamphlet form, showing the economy, &c., of the institution, and yet but comparatively few came. The truth seems to be, that this or some other cause bids fair to defeat the benevolent objects of the people in creating an asylum, if its location in Indianapolis shall be continued, and be the cause whatever it may it is the duty of the Legislature to avoid the objection rather than make war against it that it may be overcome.

That there is every year periodical sickness at Indianapolis we only need to refer to the report of the present trustees of the asylum, which seems to have been designed as an argument in favor of the location in their midst. They say on page 8, of their report:

"With regard to the health of the capital, we have only to say, that during the months of August and September, which embrace what is called the sickly season, the vacation of the asylum takes place. During the remainder of the year, and sometimes during a considerable portion of these two months, we have as good health in Indianapolis as in any town northwest of the Ohio river."

It will be seen that the trustees have attempted to ward off from the mutes, the effects of the "*sickly season*" by making the session ten months in length, and thus bringing together the two months vacation, and although this arrangement may be both the wisest and the best that could be made for them at Indianapolis, yet experience has proved such lengthy sessions are not best for students of any kind; but if in this we were wrong, may it not often happen that the seeds of disease may be contracted by the inmates before the vacation, or the pestilence prevail beyond the first of October, and hence form an insuperable objection to its present location; and the minority would here repeat that they do not believe it would be wise or prudent permanently to locate the asylum at a place subjecting its inmates to such hazards. Few, indeed, would be willing to accept of the bounty of the State if it has to be purchased on such terms, desirable as it would be, if located in a healthy situation. For this reason alone, if for no other, we could not concur in the report of the majority of the committee.

Bloomington is every where famed for good water and a salubrious clime. Nowhere in the west is it surpassed, and but few places can boast of being its equal. Nor is it alone in its health that its superiority consists. Stone, brick and lumber for the construction of the requisite buildings, of the best and most enduring qualities, can there be had, with the greater ease and less costs than at almost any other place. When it is remembered that good stone and lime must be brought a distance of some forty miles on wagons to Indi-

anapolis, and that at Bloomington they may be had within a less number of rods, the difference in the cost of constructing the buildings, will manifestly not exceed one half the sum at Bloomington that it would cost at Indianapolis; and if to this is added the offer of Mr. Orchard to donate a beautiful site, adjacent to the town for it, and more than three thousand dollars by the citizens, it seems evident to the minority that it is as well the interest as the duty of the State to select Bloomington as the place for the permanent location of the asylum.

The advantages which we have enumerated are far from being all which the minority might here mention; and believing that they have already said enough, they will only give place to one or two more. By a comparison of the rates paid for board, &c., at Bloomington, by the students of the University and the Female Academy, with those paid here for the mutes, it will be found that boarding under similar circumstances may be obtained at Bloomington for at least one half the sum it would cost at Indianapolis. This is no small item to the State and the patrons of such an institution, and the minority cannot see why the location should be made at Indianapolis, with such decided and important odds against it. Readily as the people of the State have shown themselves to contribute their mites for the erection and support of this institution, it may still be well for its friends to consider whether they would willingly tolerate extravagance to gratify the people of the capital at the expense of the State and of the deaf and dumb.

A very large proportion of the annual revenues of the State are of necessity expended in and about Indianapolis, and it would be unjust to increase it without imperious necessity required it.

The minority also believe that it would be best to place the asylum under the care of the learned trustees of the State University, and extend to the mutes the joint use of the philosophical apparatus of the University, in accordance with the prayer of the petitioners, subject to such regulations as the trustees shall prescribe.

This would in some small degree compensate the deaf and dumb for the loss of their share of the donations of the Congress of the United States for the purposes of education in the State, in the benefits of which by the terms of the grant, they are equally entitled with the more fortunate.

Of the interest and feelings of the people in Bloomington and of the county generally, the petition referred to said committee gives the most satisfactory evidence. Have the people elsewhere thus spoken?

From every view which the minority have been enabled to take of the important subject referred to said committee, with due deference to the opinion of the majority, they feel compelled to dissent



from them on the subject of the plan of locating the Indiana asylum for the deaf and dumb.

WILLIAM BERRY.  
P. M. PARKS.  
J. F. ALLISON.  
HOUSTON MILLER.

Mr. Logan moved to lay the report upon the table, and that five hundred copies thereof, and also that of the majority of said committee on the same subject, be printed for the use of the Senate;

Mr. Coffin moved to amend the motion by requiring that the majority and minority report be stitched separately;

Which motion did not prevail.

Mr. English called for a division of the question;

The question then recurring on printing said reports,

The ayes and noes were called for by Messrs. English and Coffin; and,

*Those who voted in the affirmative are,*

Messrs. Akin, Allison, Berry of Franklin, Berry of Monroe, Chapman of Daviess, Chapman of Laporte, Davis, Edmonson, Ellis, Hammer, Handy, Herriman, Holloway, Logan, Major, Miller, Montgomery, Moore, Morgan of Decatur, Morgan of Rush, and Parks—21.

*Those who voted in the negative are,*

Messrs. Barbour, Bowers, Bradbury, Buell, Chenowith, Coffin, Cuppy, English, Goodenow, Hamrick, Hardin, Henry, Howell, Jackson, Lane, Leviston, Murphey, Orth, Pomeroy, Read, Reyburn, Rockhill, Todd, Winchell, Wood and Zenor—26.

So the motion to print did not prevail.

The following message was received from the House of Representatives by Mr. Kinder, their Clerk:

MR. PRESIDENT:

I am instructed by the House to inform the Senate that the House have passed engrossed bills thereof of the following titles:

No. 250. An act to incorporate the Ohio and Indianapolis railroad company;

No. 272. An act to extend an act to provide for the transfer of the surplus revenue fund, &c., approved February 11, 1843;

No. 248. An act prescribing the mode of advertising sales of lands returned delinquent for non-payment of taxes;

No. 257. An act to correct the boundary line of Carroll county;

No. 249. An act for the relief of John B. Coleman and others, of Daviess county;

No. 248. An act relative to tax titles;

No. 12. An act to amend an act entitled "An act to incorporate the Michigan road company," approved January 13, 1845;

No. 141. An act to allow owners of partnership fences to remove the same;

In which the concurrence of the Senate is respectfully requested.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House of Representatives have passed the following engrossed bills of the Senate without amendment:

No. 80. An act for the relief of Joseph and Maria Rudman of Franklin county;

No. 108. An act to amend an act entitled "An act to locate a State road in the county of Marshall," approved January 13, 1845;

No. 101. An act for the relief of the heirs of James McCleery of the county of Franklin;

No. 100. An act to vacate a part of the town of Waterloo, in Fayette county;

No. 92. An act legalizing the acts of auditor and school commissioner of Lagrange county;

No. 90. An act for the relief of Victor A. Pepin of Floyd county;

No. 49. An act to authorize the re-appraisement of school lands in certain cases.

Mr. Allison, from the committee on enrolled bills, made the following report:

MR. PRESIDENT:

The committee on enrolled bills, to whom was referred joint resolution of the Senate, No. 8, have compared the enrolled with the engrossed and find it correctly enrolled.

The following communication from his Excellency, the Governor, was received by Mr. Powers:

MR. PRESIDENT:

I am directed by his Excellency, the Governor, to inform the Senate that he has this day approved and signed:—

No. 17. An act to amend the 94th section of chapter 12, Revised Statutes of 1843.

Which originated in the Senate.



Mr. Herriman, from the committee on canals and internal improvements, submitted the following report:

MR. PRESIDENT:

I am directed by the committee on canals and internal improvements, to which was referred bill of the Senate, No. 93, to report the same back to the Senate without amendment, and recommend its passage.

Mr. Morgan of Decatur, moved to refer the bill to the committee on claims;

Which motion did not prevail.

Mr. Buell moved to lay the bill upon the table;

Which motion did not prevail.

On the question,

"Shall the bill be engrossed for a third reading?"

The ayes and noes were called for by Messrs. Chapman of Laporte and Buell, and,

*Those who voted in the affirmative are,*

Messrs. Akin, Allison, Berry of Franklin, Buell, Chapman of Daviess, Chenowith, Coffin, Cuppy, Davis, Edmonson, English, Hamer, Handy, Hardin, Herriman, Howell, Jackson, Lane, Leviston, Miller, Montgomery, Read, Rockhill, Todd, Winchell, and Wood—26.

*Those who voted in the negative are,*

Messrs. Barbour, Berry of Monroe, Bowers, Bradbury, Chapman of Laporte, Ellis, Goodenow, Hamrick, Henry, Holloway, Logan, Major, Moore, Morgan of Decatur, Morgan of Rush, Murphey, Orth, Parks, Pomeroy, Reyburn, and Zenor—21.

So the bill was ordered to be engrossed, and read a third time.

The following communication from his Excellency, the Governor, was received by Mr. Powers:

MR. PRESIDENT:

I am directed by his Excellency, the Governor, to inform the Senate that he has this day approved and signed:—

No. 8. A joint resolution in relation to the election of the Superintendent of the New Albany and Vincennes road.

Which originated in the Senate.

Mr. Goodenow, from the committee on the State Bank, submitted the following report:

MR. PRESIDENT:

The committee on the State Bank, to whom was referred bill of House, No. 244, entitled, "An act to authorize William A. Pugh and Willis Hodges to substitute their notes for those of Otis and William Page," have had the same under consideration, and have directed me to report the same back with one amendment, and recommend its passage.

Amend as follows:

"Strike out the name of William Pugh and insert the name of William M. Hughes;"

Which report was concurred in.

On motion by Mr. Chapman of Laporte,

The rules were suspended, and the bill read a third time, and passed.

Mr. Buell, chairman of the committee on the State Bank, submitted the following report:

MR. PRESIDENT:

The committee on the State Bank have had before them and under consideration, the proceedings of the State Bank board in November last, as also, information in answer to a resolution of the Senate, furnished by the President of the State Bank.

In the memorandum book of the examiner of the Lafayette branch in October last, there appears the following remarks: "since early last spring the meetings of directors have been generally held without a quorum, and yet the business was always transacted as if there had been a quorum." Following which remarks is a statement showing that from March 12th to October 1st, both dates inclusive, there were twenty-eight meetings; three of which only having a quorum of seven members as required by the 10th rule of the 79th section of the Bank charter.

In a similar book made by the same examiner, (the President of the State Bank,) on examining the Michigan City branch in October last, there appears the following statement: "after the first meeting to organize, (2d November last,) the meetings were seventeen; three of which only were composed of a sufficient number of members to make a quorum; and after the 31st of July, no entry on the minutes, except the state of the bank, (the committee on which it is presumed was self-constituted.)" The committee are also in possession of information from the same source, that the branch at Michigan City is in the habit of taking bills of exchange to large amounts, without acceptance or endorsement; alike unjust to the surrounding community, and dangerous to its solvency; and these palpable violations of the charter, and their own by-laws, it



seems from the report of the President to the last meeting of the State board, are not of recent date only, but are a continuation of similar offences; from which cause they are the more surprised that the State Bank have not, as was their imperative duty, (under the provisions of the charter in the 44th section) suspended the operations of these branches, and taken their effects into possession for safe keeping. It is, however, here deemed proper to observe that the powers of the directors, on the part of the State, are very limited, that they have not even the right, including the President, to examine the books of a branch without permission of the directors on the part of the branches; and also, (with the exception of the President,) are even dependant on the liberality of said branch directors for their compensation; which seems to your committee to be a serious defect in the charter. Your committee are apprised that the opinion with stockholders throughout the State prevails that the winding up of any one branch (however illegal and improper may have been its conduct,) is, as many term it, an entering wedge to destroy the whole, but for which erroneous opinion they would be unable to account for the apparent neglect of duty of the State board; but your committee think, if individual stockholders, the owners of very little, if any stock, bona fide paid in, are permitted by the bank to transcend their chartered privileges, and as it were, to change their banks into brokers' offices, and thereby endanger a large amount of the State's capital, as well as other branches; it becomes the duty of the Legislature to interpose the power reserved to them in the charter, to arrest their proceedings before it be too late, not alone to save the funds of those branches, but to save the funds of those remaining, and to prevent the knowledge of such gross high handed assumption of powers never delegated, impairing public confidence to a degree that will prove fatal to the whole fraternity, unless arrested promptly by a firm disinterested power only to be found in the people themselves.

No. 9. A joint resolution in relation to the Michigan City and Lafayette branches of the State Bank of Indiana;

Which was read a first and second times, the rules being suspended;

On motion by Mr. Chapman of Laporte,

The joint resolution was then laid upon the table.

Mr. Ellis, from a select committee, submitted the following report:

MR. PRESIDENT:

The select committee to which was referred the petition of Horne B. Shephard and others, upon the subject of constructing a levee in Shaker prairie, in Knox county, &c., having had the same under consideration, have instructed me to report the following bill, and recommend its passage:

No. 133. A bill for the leveeing Shaker prairie on the Wabash river;

Which was read a first time;

On motion by Mr. Ellis,

The rules were suspended, and the bill read a second time.

On motion by Mr. Akin,

The rules were further suspended, and the bill read a third time, and passed.

Mr. Edmonson, from a select committee, submitted the following report:

MR. PRESIDENT:

The select committee to whom was referred a petition of the citizens of Jefferson township, Pike county, have had the same under consideration, and have directed me to report the accompanying bill and recommend its passage.

No. 133. A bill for the relief of Isaac Cowan and George Coonrod, of Pike county;

Which was read a first time.

On motion by Mr. Edmonson,

The rules were suspended, and the bill read a second and third times, and passed.

Mr. Morgan of Decatur, from a select committee, made the following report:

MR. PRESIDENT:

The select committee to whom was referred bill of the House No. 208, entitled "An act to repeal in part, an act to provide for summoning grand and petit jurors in Decatur and Warren counties," approved January 15, 1844, have had the same under consideration, and have directed me to report the same to the Senate, and recommend its passage.

The bill was then read a third time, and passed.

Mr. Chapman of Laporte, from a select committee, submitted the following report:

MR. PRESIDENT:

The select committee to whom was referred bill (of the Senate) No. 22, have had the same under consideration, and have directed me to report the following bill, as a substitute, and recommend its passage:



No. 22. A bill for the relief of settlers upon the Wabash and Erie canal lands;

Which report was concurred in.

The bill was then read a third time, and passed.

Mr. Pomeroy moved to suspend the rules, and take from the files,

No. 81. A bill to provide for the remuneration of Sylvester House, of Syracuse, New York, for the arrest of Joseph Gould, a fugitive from justice, from Indiana;

Which motion prevailed.

The bill was then read a third time, and passed.

On motion by Mr. Edmonson,

The title of the bill was so amended, as to correspond with the provisions thereof.

Mr. Bowers, from a select committee, submitted the following report:

MR. PRESIDENT:

The select committee to whom was referred bill (of the Senate) No. 123, entitled "A bill to amend an act entitled an act to provide for erecting a bridge across Laugherey creek, in Ripley county," approved January 8th, 1845, according to order, have had the same under consideration, and have directed me to report the same back to the Senate, and recommend its passage.

The bill was then read a third time, and passed.

Mr. Lane, from a select committee, submitted the following report:

MR. PRESIDENT:

The select committee to whom was referred the petition of Thomas J. Nevins, have had the same under consideration, and have directed me to report it inexpedient to legislate on the subject, and ask to be discharged from the further consideration thereof.

Which report was concurred in.

Mr. Lane asked and obtained leave, to withdraw from the files, the petition referred to in the report.

Mr. Holloway, from a select committee, made the following report:

MR. PRESIDENT:

The select committee, to whom was referred the petition of sundry citizens of West Richmond, Wayne county, asking a vacation of a part of Howard street, and certain alleys in said town, have

had the same under their consideration, and have directed me to report the following bill, and respectfully recommend its passage.

No. 134. A bill vacating a part of Howard street, and certain alleys, in West Richmond;

Which was read a first time.

On motion by Mr. Holloway,

The rules were suspended, and the bill read a second and third times, and passed.

Mr. Howell moved to take from the table, the resolution offered by Mr. Akin, on Saturday last, in relation to electing the superintendent on the New Albany and Vincennes road;

Which motion prevailed.

Mr. Akin then moved to amend the resolution, by striking out the word "Monday," and insert "Wednesday."

On motion by Mr. Davis,

The resolution and pending amendment were laid upon the table.

Mr. Handy moved to take from the table,

The resolution fixing the 12th of January, 1846, as the day of final adjournment;

Which motion prevailed.

Mr. Chapman of Laporte, moved to amend the resolution by striking out "twelfth," and insert, "fifth."

Mr. Lane moved to amend the amendment, by striking out "fifth," and insert "nineteenth."

Pending which amendments,

Mr. Ellis moved to lay the resolution and amendments on the table.

The ayes and noes being called for by Messrs. Buell and Handy.

*Those who voted in the affirmative are,*

Messrs. Akin, Allison, Chapman of Decatur, Chenowith, Coffin, Edmonson, Ellis, Hamer, Herriman, Holloway, Howell, Lane, Miller, Montgomery, Morgan of Rush, Orth, Pomeroy, Reyburn, Rockhill, Todd, Winchell, and Wood—22.

*Those who voted in the negative are,*

Messrs. Barbour, Berry of Franklin, Berry of Monroe, Bowers, Bradbury, Buell, Chapman of Laporte, Cuppy, Davis, English, Goodenow, Hamrick, Handy, Hardin, Henry, Jackson, Leviston, Logan, Major, Moore, Morgan of Decatur, Murphey, Parks, Read, and Zenor—25.

So the resolution and amendments were not laid upon the table.

The question then recurred upon the adoption of the amendment of Mr. Chapman of Laporte.



Mr. Allison moved to amend the amendment as follows:

Strike out the several days mentioned, and insert,

"When the business of the session is completed, without reference to the day upon which the pay of members is reduced to one dollar and fifty cents per day."

Pending which,

Mr. Ellis moved to postpone the further consideration of said resolution and pending amendments until Monday next.

The ayes and noes being called for by Messrs. Buell and Handy,

*Those who voted in the affirmative are,*

Messrs. Akin, Allison, Berry of Monroe, Chapman of Daviess, Chapman of Laporte, Chenowith, Coffin, Edmonson, Ellis, Hamer, Herriman, Holloway, Howell, Lane, Miller, Montgomery, Moore, Morgan of Rush, Orth, Pomeroy, Read, Reyburn, Rockhill, Todd, Winchell, and Wood—26.

*Those who voted in the negative are,*

Messrs. Barbour, Berry of Franklin, Bowers, Bradbury, Buell, Cuppy, Davis, English, Goodenow, Hamrick, Handy, Hardin, Henry, Jackson, Leviston, Logan, Major, Morgan of Decatur, Murphey, Parks, and Zenor—21.

So the resolution and amendments were accordingly postponed.

The President added the names of Messrs. Hamrick, Howell, Jones, and Hamer to the committee on enrolled bills.

On motion by Mr. Montgomery,

The Senate adjourned until two o'clock, P. M.

*2 o'clock, P. M.*

The Senate met.

The President announced as the order of the day,

No. 67. A bill to apportion Senators and Representatives for the next five years.

Mr. Edmonson moved a call of the Senate;

Which was ordered, and

The absentees were sent for.

All the members appearing in their seats,

The further call was suspended.

On motion by Mr. Coffin,

The further consideration of bill No. 67 was postponed until to-morrow morning at nine o'clock.

Mr. Davis moved to take from the table the resolution offered by Mr. Akin, in relation to going into an election of superintendent on the New Albany and Vincennes road;

Which motion prevailed.

Mr. Davis moved to amend the resolution by striking out the word "Monday," and inserting the word "to-morrow";

Which motion prevailed.

The resolution, as amended, was then adopted.

Mr. Verbrike offered the following resolution:

WHEREAS, The State of Indiana holds property to a large amount in this city, and as liable to the ravages of fire as other property thereof: AND WHEREAS, The destruction of her buildings, books, papers, moneys, and effects would be almost an incalculable loss to the State: Therefore,

Resolved, That the committee on the affairs of the town of Indianapolis be instructed to enquire whether the best interest of the State does not demand an appropriation of money for the purchase of such additional engines and implements to extinguish fire as the safety of her public buildings requires; with leave to report by bill or otherwise.

Which was adopted.

Mr. Ellis offered the following resolution:

Resolved, That the Secretaries of the Senate be authorized to employ such assistant Secretaries as the increased duties of the offices may require.

Which was adopted.

Mr. Buell introduced,

No. 135. A bill to amend an act to incorporate the Lawrenceburgh and Harrison turnpike company, approved February 6, 1836;

Which was read a first time.

On motion by Mr. Buell,

The rules were suspended, and the bill read a second and third times, and passed.

Mr. Ellis introduced,

No. 136. A bill to amend an act to incorporate "the Indiana Church," approved December 7, 1810; and an act amendatory thereto, approved January 22, 1818;

Which was read a first time.

On motion by Mr. Ellis,

The rules were suspended, and the bill read a second and third times and passed.

Mr. Berry of Franklin introduced,

No. 137. A bill to revive and amend a certain act therein named;

Which was read a first time.

On motion by Mr. Berry of Franklin,

The rules were suspended, and the bill read a second time and ordered to be engrossed and read a third time.



Mr. Chapman of Laporte introduced,  
No. 138. A bill fixing the salaries of the judges of the supreme and circuit courts;

Which was read a first time.

On motion by Mr. Chapman of Laporte,  
The rules were suspended, and the bill read a second time and referred to the committee on the judiciary.

Mr. Orth introduced,

No. 139. A bill to provide for the erection of a monument on the Tippecanoe battle-ground;

Which was read a first time.

On motion by Mr. Orth,  
The rules were suspended, and the bill read a second and third times and passed.

Mr. Goodenow introduced,

No. 140. A bill for the relief of Henry Shiner;

Which was read a first and second times, the rules being suspended.

Mr. English moved to lay the bill upon the table.

The ayes and noes being called for by Messrs. Chapman of Laporte, and Akin.

*Those who voted in the affirmative are,*

Messrs. Akin, Berry of Franklin, Berry of Monroe, Buell, Chapman of Daviess, Edmonson, English, Hamer, Hamrick, Handy, Hardin, Henry, Herriman, Howell, Jackson, Lane, Leviston, Logan, Major, Miller, Morgan of Decatur, Murphy, Parks, Read, Rockhill, and Wood—26.

*Those who voted in the negative are,*

Messrs. Allison, Barbour, Bowers, Bradbury, Chapman of Laporte, Chenowith, Coffin, Conner, Cuppy, Davis, Ellis, Goodenow, Holloway, Montgomery, Moore, Morgan of Rush, Orth, Pomeroy, Reyburn, Todd, Verbribe, Winchell, and Zenor—23.

So the bill was laid upon the table.

Mr. Pomeroy introduced,

No. 141. A bill for the relief of William Phillips, of St. Joseph county;

Which was read a first time.

On motion by Mr. Pomeroy,

The rules were suspended, and the bill read a second time.

On motion by Mr. Buell,

The bill was then referred to the committee on claims.

Mr. Berry of Franklin introduced,

No. 142. A bill to repeal parts of certain acts therein named;  
Which was read a first time.

On motion by Mr. Berry of Franklin,

The rules were suspended, and the bill read a second time.

On motion by Mr. Howell,

The bill was then referred to the committee on the State bank.

Mr. Hamer introduced,

No. 143. A bill to apportion Senators and Representatives for the next five years;

Which was read a first and second times, the rules being suspended.

Mr. Hamer moved to recommit the bill to a select committee of five;

Which motion did not prevail.

Mr. Herriman moved to lay said bill upon the table, and that 100 copies be ordered to be printed for the use of the Senate;

Which motion did not prevail.

On motion by Mr. Akin,

The rules were suspended, and the bill read a third time.

On the passage of the bill,

The ayes and noes being called for by Messrs. Hamer and Akin.

*Those who voted in the affirmative are,*

Messrs. Akin, Allison, Barbour, Berry of Franklin, Berry of Monroe, Bowers, Bradbury, Buell, Chapman of Daviess, Chapman of Laporte, Chenowith, Cuppy, Davis, Ellis, English, Goodenow, Hamer, Hamrick, Henry, Herriman, Holloway, Jackson, Leviston, Logan, Morgan of Decatur, Murphey, Orth, Parks, Pomeroy, Read, Reyburn, Rockhill, Todd, Verbribe, Wood, and Zenor—36.

*Those who voted in the negative are,*

Messrs. Coffin, Conner, Edmonson, Handy, Hardin, Howell, Jones, Lane, Major, Miller, Montgomery, Moore, Morgan of Rush, and Winchell—14.

So the bill was passed.

#### ORDERS OF THE DAY.

No. 114. A bill (of the House) to repeal an act providing for the opening and repairing roads, highways, and streams, in the counties of Bartholomew, Putnam, Owen, Henry, and Perry, approved January 31st, 1843;

Read a third time and passed.

No. 118. A bill (of the Senate) to incorporate the Wabash navigation company;

Read a third time.



Mr. Handy moved to refer the bill to the committee on the judiciary, with instructions to enquire whether the individual liability clause is contained in said bill;

Which motion did not prevail.

Mr. Berry of Franklin, moved to refer the bill to the committee on the judiciary, with instructions to add thereto the following section:

Sec.—The directors of said company shall be individually liable for the payment of all debts, which they may contract over and above the amount of capital stock paid in, and should they fail to make payment within six months after due, for labor or materials furnished for the construction of said work, shall be liable to indictment, and upon conviction, to punishment, as the statute provides for other swindlers, and the legislature reserves the right to alter, amend, or repeal this act.

The ayes and noes being called for by Messrs. Berry of Franklin, and Barbour,

*Those who voted in the affirmative are,*

Messrs. Barbour, Berry of Franklin, Chapman of Laporte, Edmonson, Handy, Hardin, Herriman, Jackson, Jones, Leviston, Logan, Miller, Parks, Rockhill, and Wood—15.

*Those who voted in the negative are,*

Messrs. Akin, Allison, Berry of Monroe, Bowers, Bradbury, Buell, Chapman of Daviess, Coffin, Conner, Cuppy, Davis, Ellis, Goodenow, Hamer, Henry, Holloway, Howell, Lane, Montgomery, Moore, Morgan of Decatur, Morgan of Rush, Murphey, Orth, Pomeroy, Reyburn, Todd, Verbriek, Winchell, and Zenor—30.

So the motion to refer with the instructions, did not prevail.

The question then recurring upon the passage of the bill;

The ayes and noes were called for by Messrs. Chapman of Laporte, and Barbour, and,

*Those who voted in the affirmative are,*

Messrs. Akin, Allison, Berry of Monroe, Bowers, Bradbury, Buell, Chapman of Daviess, Coffin, Conner, Cuppy, Davis, Edmonson, Ellis, Goodenow, Hamer, Hamrick, Herriman, Holloway, Jackson, Lane, Montgomery, Moore, Morgan of Decatur, Morgan of Rush, Murphy, Orth, Pomeroy, Read, Reyburn, Rockhill, Todd, Verbriek, Winchell, and Zenor—34.

*Those who voted in the negative are,*

Messrs. Barbour, Chapman of Laporte, English, Handy, Hardin, Howell, Jones, Leviston, Logan, Major, Miller, Parks, and Wood—13.

So the bill was passed.

The President laid before the Senate the communication of the superintendent of the New Albany and Vincennes road, in relation to the claim of Owen McManies.

On motion of Mr. Morgan of Decatur,

The communication was referred to the committee on claims.

No. 116. A bill (of the House) to authorize trustees of congressional township No. 28, north of range 12 east, in Wells county, to lay off a town;

Read a third time, and passed.

No. 52. A bill (of the Senate) to amend an act in relation to county treasurers;

Read a third time, and,

On motion of Mr. Morgan of Decatur,

Laid upon the table.

No. 187. A bill (of the House) in relation to the fees of the recorder and auditor in the counties of Jackson, Adams, and Jay;

Read a third time and passed.

No. 73. A bill (of the Senate) to incorporate the Peru and Indianapolis railroad company;

Read a third time and passed.

No. 97. A bill (of the Senate) defining the duties of county treasurer, county auditor, and supervisors of highways;

Read a third time.

Mr. Morgan of Decatur moved to indefinitely postpone said bill.

Pending which,

On motion by Mr. Read,

The bill was laid upon the table.

On motion,

The Senate adjourned.



TUESDAY MORNING, DEC. 30, 1845.

The Senate assembled.

The Journal of the preceding day was read.

Leave being granted,

Mr. Morgan of Decatur offered the following resolution:

*Resolved*, That the House of Representatives be respectfully requested to return to the Senate bill (of the Senate) No. 143, entitled, "An act to apportion Senators and Representatives for the next five years."

Which resolution was adopted.

The following message was received from the House of Representatives, by Mr. Kinder, their Clerk:

Mr. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House have reciprocated the resolution of the Senate, fixing the time of going into the election of superintendent for the New Albany and Vincennes road on Tuesday (to-day) at two o'clock, P. M.

Nine o'clock being the hour for the special order of the day, No. 67. A bill to apportion Senators and Representatives for the next five years,

The Senate resumed the consideration thereof.

Mr. Howell moved a call of the Senate;

Which was ordered.

All the Senators appearing in their seats,

The further call was suspended.

At the last adjournment when the Senate had under consideration the said bill, the following amendment, offered by Mr. Coffin, was pending:

Amend by striking out the word "Vermillion" in the seventh line of the third section, and insert, at the end of the forty-sixth line,

"The county of Vermillion shall be entitled to two Representatives for the years 1848, 1849, and 1850; and providing that the county of Clark shall be entitled to but one Representative for each of said years 1848, 1849, and 1850."

Also, the following amendment, offered by Mr. Hamer to Mr. Coffin's amendment:

Amend the thirty-sixth line so as to read, "The counties of Orange and Crawford to elect one Representative each," in place of electing two jointly.

Mr. Hamer withdrew his amendment.

The question then recurring on the adoption of Mr. Coffin's amendment,

The ayes and noes were called for by Messrs. Coffin and Read.

*Those who voted in the affirmative are,*

Messrs. Allison, Bowers, Bradbury, Chapman of Laporte, Chenoweth, Coffin, Conner, Davis, Ellis, Goodenow, Hamer, Hamrick, Holloway, Montgomery, Moore, Morgan of Decatur, Morgan of Rush, Murphey, Orth, Pomeroy, Reyburn, Todd, Verbribe, Winchell, and Zenor—25.

*Those who voted in the negative are,*

Messrs. Akin, Barbour, Berry of Franklin, Berry of Monroe, Buell, Chapman of Daviess, Cuppy, Edmonson, English, Handy, Hardin, Henry, Herriman, Howell, Jackson, Jones, Lane, Leviston, Logan, Major, Miller, Parks, Read, Rockhill, and Wood—25.

So the amendment was not adopted.

Mr. Miller moved to amend the bill as follows:

Amend the third section so that Crawford county be entitled to elect one Representative in the years 1847, 1849, and 1850; and that Orange and Crawford shall elect two jointly in the years 1846 and 1848;

Which amendment was adopted.

Mr. Herriman moved to reconsider the vote by which the following amendment of Mr. Chapman of Laporte was adopted:

Strike Dubois and Perry from the third section of the bill, and add the following:

"The counties of Dubois and Perry shall jointly elect one Representative in the years 1847 and 1849, and said counties shall each elect one Representative in the years 1846, 1848, and 1850."

And also strike out all that relates to the county of Laporte in the fourteenth, fifteenth, and sixteenth lines of the third section, and insert the word "Laporte" after the word "Clark," in the fifth line of said section.

The ayes and noes being called for by Messrs. Holloway and Chapman of Laporte,

*Those who voted in the affirmative are,*

Messrs. Akin, Allison, Barbour, Berry of Franklin, Berry of Monroe, Buell, Chapman of Daviess, Davis, Edmonson, English, Goodenow, Hamer, Handy, Hardin, Henry, Herriman, Howell, Jackson, Jones, Lane, Leviston, Logan, Major, Miller, Murphey, Parks, Read, Reyburn, Rockhill, Wood, and Zenor—29.



*Those who voted in the negative are,*

Messrs. Bowers, Bradbury, Chapman of Laporte, Chenowith, Coffin, Conner, Cuppy, Ellis, Hamrick, Holloway, Montgomery, Moore, Morgan of Decatur, Morgan of Rush, Orth, Pomeroy, Todd, Verbriek, Winchell, and Zenor—19.

So the motion to reconsider prevailed.

The question then recurring upon the adoption of said amendment,

The ayes and noes were called for by Messrs. Chapman of Laporte and Buell; and

*Those who voted in the affirmative are,*

Messrs. Bowers, Bradbury, Chapman of Laporte, Chenowith, Coffin, Conner, Cuppy, Ellis, Goodenow, Hamrick, Holloway, Montgomery, Moore, Morgan of Decatur, Morgan of Rush, Orth, Pomeroy, Todd, Verbriek, and Winchell—20.

*Those who voted in the negative are,*

Messrs. Akin, Allison, Barbour, Berry of Franklin, Berry of Monroe, Buell, Chapman of Daviess, Davis, Edmonson, English, Hamer, Handy, Hardin, Henry, Herriman, Howell, Jackson, Jones, Lane, Leviston, Logan, Major, Miller, Murphey, Parks, Read, Reyburn, Rockhill, Wood, and Zenor—30.

So the amendment was not adopted.

Mr. Holloway moved to amend the bill as follows:

Amend the third line of section 3, by inserting "1849 and 1850," after the figures "1848," in said line, as placed there by amendment.

Amend the 5th line of the third section by giving to Franklin county one Representative, and two in the years 1846, 1847 and 1848.

Which amendment was not adopted.

Mr. Handy moved to reconsider the vote by which the "float" was taken from the counties of Ohio and Switzerland and given to the counties of Miami and Wabash;

The ayes and noes being called for by Messrs. Henry and Handy,

*Those who voted in the affirmative are,*

Messrs. Akin, Barbour, Berry of Franklin, Berry of Monroe, Buell, Chapman of Daviess, English, Goodenow, Handy, Hardin, Henry, Herriman, Howell, Jackson, Jones, Leviston, Logan, Major, Miller, Parks, Read and Wood—22.

*Those who voted in the negative are,*

Messrs. Allison, Bradbury, Chapman of Laporte, Chenowith, Coffin, Conner, Cuppy, Davis, Edmonson, Ellis, Hamer, Hamrick, Holloway, Montgomery, Moore, Morgan of Decatur, Morgan of Rush, Murphey, Orth, Pomeroy, Reyburn, Rockhill, Todd, Verbriek, Winchell and Zenor—26.

So the motion to reconsider did not prevail.

Mr. Henry moved to reconsider the vote by which the "float" was taken from the county of Shelby and given to the county of Wayne;

The ayes and noes being called for by Messrs. Holloway and Henry,

*Those who voted in the affirmative are,*

Messrs. Akin, Barbour, Berry of Franklin, Berry of Monroe, Buell, Chapman of Daviess, Cuppy, Edmonson, English, Handy, Hardin, Henry, Herriman, Howell, Jackson, Jones, Lane, Leviston, Logan, Major, Miller, Parks, Read, and Rockhill—24.

*Those who voted in the negative are,*

Messrs. Allison, Bowers, Bradbury, Chapman of Laporte, Chenowith, Coffin, Conner, Davis, Ellis, Goodenow, Hamer, Hamrick, Holloway, Montgomery, Moore, Morgan of Decatur, Morgan of Rush, Murphey, Orth, Pomeroy, Reyburn, Todd, Verbriek, Winchell, Wood, and Zenor—26.

So the motion to reconsider did not prevail.

Mr. Handy moved to lay the bill upon the table;

The ayes and noes being called for by Messrs. Holloway and Handy,

*Those who voted in the affirmative are,*

Messrs. Akin, Allison, Berry of Franklin, Chapman of Daviess, English, Hamer, Handy, Hardin, Henry, Herriman, Jackson, Jones, Leviston, Parks, Read, and Zenor—16.

*Those who voted in the negative are,*

Messrs. Barbour, Berry of Monroe, Bowers, Bradbury, Buell, Chapman of Laporte, Chenowith, Coffin, Conner, Cuppy, Davis, Edmonson, Ellis, Goodenow, Hamrick, Holloway, Howell, Lane, Logan, Major, Miller, Montgomery, Moore, Morgan of Decatur, Morgan of Rush, Murphey, Orth, Pomeroy, Reyburn, Rockhill, Verbriek, Winchell, and Wood—34.



So the motion to lay on the table did not prevail.

Mr. Chapman of Laporte moved to amend the bill as follows :

Strike from the county of Carroll the county of Richardville, and give Carroll but one Representative. Attach Richardville to the county of Cass, and give the two one Representative, and two in the year 1846. Also, give the counties of Clinton and Tipton one Representative, and two in the years 1848 and 1850 ; and give to the county of Laporte two Representatives.

Mr. Berry of Franklin moved the previous question ;

Which was not seconded.

The question then recurred upon the adoption of the amendment ;

The ayes and noes being called for by Messrs. Chapman of Laporte, and Barbour,

*Those who voted in the affirmative are,*

Messrs. Allison, Barbour, Bowers, Bradbury, Chapman of Laporte, Chenowith, Coffin, Conner, Davis, Ellis, Goodenow, Hamer, Hamrick, Henry, Holloway, Montgomery, Moore, Morgan of Decatur, Morgan of Rush, Murphey, Orth, Pomeroy, Reyburn, Todd, Verbriek, Winchell, and Zenor—27.

*Those who voted in the negative are,*

Messrs. Akin, Berry of Franklin, Berry of Monroe, Buell, Chapman of Daviess, Cuppy, Edmonson, English, Handy, Hardin, Herriman, Howell, Jackson, Jones, Lane, Leviston, Logan, Major, Miller, Parks, Read, Rockhill, and Wood—23.

So the amendment was adopted.

Mr. Chapman of Laporte moved to amend the bill as follows :

Strike out the word "two" from the 14th line of the third section, and insert the words "one each ;"

Which amendment was adopted.

Mr. Barbour moved to amend the bill as follows :

Amend the bill so as to give the county of Bartholomew one Senator and one Representative ; and so as to give the counties of Ripley and Jennings one Senator, and the county of Ripley one Representative, and two in the years 1848 and 1850 ; and the county of Jennings one Representative, and two in the year 1849.

Mr. Murphey moved the previous question ;

Which was not seconded.

The ayes and noes on the adoption of the amendment being called for by Messrs. Barbour and Murphey,

*Those who voted in the affirmative are,*

Messrs. Akin, Barbour, Berry of Monroe, Chapman of Daviess, Chapman of Laporte, Cuppy, Edmonson, English, Handy, Hardin, Jackson, Jones, Logan, Miller, Pomeroy, and Read—17.

*Those who voted in the negative are,*

Messrs. Allison, Berry of Franklin, Bowers, Bradbury, Buell, Chenowith, Coffin, Conner, Davis, Ellis, Goodenow, Hamer, Hamrick, Henry, Herriman, Holloway, Howell, Lane, Leviston, Major, Montgomery, Moore, Morgan of Decatur, Morgan of Rush, Murphey, Orth, Parks, Reyburn, Rockhill, Todd, Verbriek, Winchell, Wood, and Zenor—33.

So the amendment was not adopted.

Mr. Chapman of Daviess moved to amend the bill as follows :

Amend the 21st line of the third section so as to read, the county of Marion shall elect two Representatives in the years 1846, 1848 and 1850 ; and three Representatives in the years 1847 and 1849.

Amend the 34th line of the same section so as to read, the counties of Daviess and Martin shall jointly elect one Representative in 1847 and 1849, and one each in the years 1846, 1848 and 1850.

On motion by Mr. Berry of Franklin,

The amendment was laid upon the table.

Mr. Jones moved to amend the bill as follows :

Strike out "1848," in the 21st line of the third section, and insert after the word "each," in the 11th line, "and Fountain county shall have one additional Representative in the year 1848."

Pending which,

Mr. Ellis moved the previous question ;

Which was seconded.

The question,

"Shall the main question be now put?"

Was decided in the affirmative.

On the main question,

"Shall the bill be engrossed and read a third time on to-morrow?"

The ayes and noes were called for by two Senators ;

*Those who voted in the affirmative are,*

Messrs. Allison, Berry of Franklin, Berry of Monroe, Bowers, Bradbury, Buell, Chapman of Laporte, Chenowith, Coffin, Conner, Edmonson, Ellis, English, Hamrick, Howell, Jackson, Lane, Leviston, Major, Miller, Montgomery, Morgan of Rush, Murphey, Orth, Pomeroy, Reyburn, Todd, Verbriek, Winchell, and Wood—30.



*Those who voted in the negative are,*

Messrs. Akin, Barbour, Chapman of Daviess, Cuppy, Davis, Good-enow, Hamer, Handy, Hardin, Henry, Holloway, Jones, Logan, Moore, Morgan of Decatur, Parks, Read, Rockhill, and Zenor—20.

So the bill was ordered to be engrossed, and read a third time on to-morrow.

Mr. Holloway presented the petition of John Evans and others, on the subject of a turnpike road from Williamsburgh to Hagerstown, in Wayne county.

On motion by Mr. Holloway,

The petition was referred to a select committee of Messrs. Holloway, Murphey, and Morgan of Decatur.

Mr. Conner presented the petition of sundry citizens of Boone county, in relation to the fees of auditor in said county.

On motion by Mr. Conner,

The petition was referred to a select committee of Messrs. Conner, Todd, and Chapman of Laporte.

Mr. Todd presented the petition of sundry citizens and voters of the city of Indianapolis, in relation to a change in the charter of said city.

On motion by Mr. Todd,

The petition was referred to a select committee of Messrs. Todd, Chapman of Laporte, and Verbribe.

Mr. Handy presented the petition of Cynthia Clark, praying for a divorce; which,

On motion by Mr. Handy,

Was referred to a select committee of Messrs. Handy, English, and Reyburn.

Mr. Chapman of Laporte, presented the petition of the board of commissioners of Laporte county, in relation to the library of said county.

On motion by Mr. Chapman of Laporte,

The petition was referred to a select committee of Messrs. Chapman of Laporte, Montgomery, and Jones.

Mr. Hardin presented the remonstrance of sundry citizens of Johnson, against the abolition of the office of auditor in said county; which,

On motion by Mr. Hardin,

Was laid upon the table.

Mr. Murphey presented the petition of sundry citizens of Henry county in relation to imposing a tax upon dogs in said county.

On motion by Mr. Murphey,

The petition was referred to a select committee of Messrs. Murphey, Reed, Chapman of Daviess, and Holloway.

Mr. Holloway presented the petition of sundry citizens of Wayne county on the same subject.

On motion by Mr. Holloway,

The petition was referred to the same select committee.

Mr. Todd presented the petition of Survilar Jane Neal, praying for a divorce.

On motion by Mr. Todd,

The petition was referred to a select committee of Messrs. Todd, Chapman of Laporte, and Reyburn.

Mr. Allison, from the committee on education, submitted the following report:

MR. PRESIDENT:

The committee on education, to whom was referred a resolution of the Senate, instructing them to enquire into the expediency of incorporating into the law governing common schools, the fifth and sixth sections, chapter four, of the Revised Statutes of 1838, have had the same under consideration, and directed me to report the following bill, and recommend its passage:

No. 144. A bill to amend the law defining congressional townships, their officers, elections, duties, and compensation;

Which was read a first time, and ordered to a second reading.

The following message from the House of Representatives was received by Mr. Kinder, their Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House have passed bill of the Senate of the following title, without amendment:

No. 89. An act to provide for the remuneration of Sylvester House of Syracuse, New York, for the arrest of Joseph Gould, a fugitive from justice from the State of Indiana, and for other purposes.

The House have concurred in the amendment of the Senate to bill of the House,

No. 104. An act increasing the per diem allowance of grand and petit jurors.

The House have also passed, without amendment, the following bill of the Senate:

No. 59. An act to incorporate the Brookville manufacturing company.

No. 253. An act changing the name of Dobsonville, in Jefferson county, to that of Chambersburgh.

No. 254. An act authorizing John Howenstein, his heirs and assigns,



to keep, maintain, and improve his mill premises and appurtenances, on the Saint Mary's river, in Allen county.

No. 256. An act to repeal the 92d, 93d, and 94th sections chapter 15, of the Revised Statutes of 1843, and to amend the law making it the duty of the county boards to examine the several trust funds at the March session.

No. 261. An act locating a State road in the counties of Fulton and Marshall.

In which the concurrence of the House is respectfully requested.

A message from the House of Representatives.

MR. PRESIDENT:

I am directed by the House of Representatives, to inform the Senate, that the House have passed engrossed bills thereof of the following titles:

No. 70. An act to incorporate the Evansville medical society, and to authorize said medical society to organize and establish a medical college;

No. 172. An act to incorporate the Union Medical Society of northern Indiana;

No. 231. An act for the relief of Benjamin Powell, and the heirs of Harrison Barnett, deceased;

No. 234. An act to amend an act entitled "An act to incorporate the city of Fort Wayne, and for revising and repealing all laws heretofore enacted on that subject;

No. 240. An act providing for the erection of a road bridge on the Wabash and Erie canal;

No. 252. An act for the relief of certain purchasers of school lands in Lost creek township, in Vigo county;

No. 273. An act authorizing B. F. C. Lodge, late collector for Jefferson county, to collect arrearages of taxes.

Mr. Todd, chairman of the committee on education, submitted the following report:

MR. PRESIDENT:

The committee on education to whom was referred bill (of the House of Representatives) No. 178, entitled "An act for the relief of the borrowers of the surplus revenue, and other funds, and for the better securing the payment thereof," have had the same under consideration, and have directed me to report the same back to the Senate, and recommend its passage, and ask to be discharged from the further consideration thereof.

Mr. Buell moved to lay the bill upon the table;

Pending which,

On motion by Mr. Todd,

The Senate adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

The Senate met;

And resumed the consideration of bill (of the House) No. 178.

Mr. Buell withdrew his motion to lay the bill upon the table, which was pending at the adjournment.

Mr. Lane moved to recommit the bill to the committee on the judiciary;

Pending which motion,

The following message was received from the House of Representatives, by Mr. Kinder, their Clerk:

MR. PRESIDENT:

I am directed by the House to inform the Senate, that the House of Representatives have adopted the following resolution:

*Resolved*, That the Senate be invited to attend in the Hall of the House of Representatives, instant, for the purpose of electing a superintendent on the New Albany and Vincennes road, and that seats be provided on the right of the Speaker's chair.

The Senate then repaired to the Hall of the House of Representatives, for the purpose of electing a superintendent on the New Albany and Vincennes road;

Messrs. Davis and Chapman of Laporte, acting as tellers on the part of the Senate.

On counting the first ballot, it appeared that,

John Frazier, received	95 votes.
J. R. Brown, received,	41 votes.
Blank,	9 votes.

John Frazier having received a majority of all the votes given, he was declared by the President of the convention, duly elected superintendent on the New Albany and Vincennes road, for the term of two years, from and after the expiration of the term of the present incumbent.

The Senators then returned to their chamber.



The following message was received from his Excellency, the Governor, by Mr. Powers:

MR. PRESIDENT:

I am directed by his Excellency, the Governor, to inform the Senate, that on the 30th day of December, 1845, he approved and signed;

No. 78. An act to repeal an act relative to a certain State road, in Wayne county;

No. 13. An act in relation to the Lawrenceburgh and Napoleon turnpike company;

No. 8. An act to legalize an election therein named, in the county of Crawford.

All of which originated in the Senate.

The Senate then resumed the consideration of bill (of the House) No. 178.

Mr. Chapman of Laporte, moved to indefinitely postpone said bill.

The ayes and noes being called for by Messrs. Chapman of Laporte, and Barbour,

*Those who voted in the affirmative are,*

Messrs. Akin, Barbour, Buell, Chapman of Daviess, Chapman of Laporte, Conner, Cuppy, Davis, Edmonson, Ellis, Hamrick, Herri-man, Holloway, Howell, Jackson, Lane, Leviston, Major, Miller, Montgomery, Moore, Murphy, Orth, Pomeroy, Read, Reyburn, and Wood—28.

*Those who voted in the negative are,*

Messrs. Allison, Berry of Franklin, Berry of Monroe, Bowers, Bradbury, Chenowith, Coffin, English, Goodenow, Hamer, Handy, Hardin, Henry, Jones, Morgan of Decatur, Morgan of Rush, Parks, Todd, Verbrike, Winchell, and Zenor—21.

So the bill was indefinitely postponed.

The rules being suspended,

Mr. Rockhill, from a select committee, submitted the following report:

MR. PRESIDENT:

The select committee, to whom was referred the petition of Silas Doty, of Steuben county, praying a change of venue from Allen county, in the 12th judicial circuit, to some other circuit, have had the same under consideration, and have directed me to report the following bill and recommend its passage:

No. 145. A bill changing the venue in the case of the State against Silas Doty, from Allen county, in the 12th judicial circuit, to Elkhart county, in the 9th judicial circuit;

Which was read a first time.

On motion by Mr. Rockhill,

The rules were suspended, and the bill read a second time.

On motion by Mr. Chapman of Laporte,

The bill was amended by inserting in the proper place the words, "if the prisoner consent to the change to Elkhart county."

The bill was then read a third time, the rules being suspended, and passed.

Mr. Todd, chairman of the committee on education, submitted the following report:

MR. PRESIDENT:

The committee on education, to whom was referred bill of the Senate No. 76, relative to the school lands in Lagrange county, have had the same under their consideration, and directed me to report the same back to the Senate for the consideration of the Senate, and request to be discharged from the further consideration thereof.

Mr. Handy moved to lay the bill upon the table;

Which motion did not prevail.

The bill was then ordered to a third reading.

Mr. Goodenow, from the committee on education, submitted the following report:

MR. PRESIDENT:

The committee on education, to whom was referred bill of the House No. 150, entitled, "An act for the relief of the borrowers of the school funds loaned in the several counties," have had the same under consideration, and have directed me to report the same back with two amendments, and, when so amended, recommend its passage:

First amendment: Strike out the words "within twelve months after such sale as aforesaid," in the 7th and 8th lines of the 1st section, and insert the words, "before the said lands shall have been resold."

Second amendment: Strike out the word "sale," in the 9th line of the 1st section, and insert the word "reinstatement."

Which report was not concurred in.

Mr. Chapman of Laporte moved to indefinitely postpone said bill;



Which motion did not prevail.

On the question,

"Shall the bill be ordered to a third reading on to-morrow?"

The ayes and noes being called for by Messrs. Chapman of Laporte and Hamrick; and,

*Those who voted in the affirmative are,*

Messrs. Akin, Allison, Berry of Franklin, Berry of Monroe, Bowers, Bradbury, Buell, Chapman of Daviess, Coffin, English, Goodenow, Hamer, Handy, Hardin, Henry, Holloway, Jackson, Jones, Lane, Leviston, Morgan of Decatur, Morgan of Rush, Parks, Todd, Winchell, and Zenor—26.

*Those who voted in the negative are,*

Messrs. Barbour, Chapman of Laporte, Chenowith, Conner, Cuppy, Davis, Edmonson, Ellis, Hamrick, Herriman, Howell, Logan, Major, Miller, Montgomery, Moore, Murphey, Orth, Pomeroy, Read, Reyburn, Rockhill, Verbriake, and Wood—24.

So the bill was ordered to a third reading.

Mr. Edmonson, chairman of the committee on corporations, submitted the following report:

**MR. PRESIDENT:**

The committee on corporations, to whom was referred bill of the Senate No. 112, have had the same under consideration, and have directed me to report the same back to the Senate, and recommend its passage.

On motion by Mr. Read,

The rules were suspended, and the bill read a third time and passed.

Mr. Edmonson, chairman of the committee on corporations, submitted the following report:

**MR. PRESIDENT:**

The committee on corporations, to whom was referred a bill of the House No. 157, have had the same under consideration, and have directed me to report it back with one amendment, and, on the adoption of the same, to recommend its passage:

Amend as follows:

"The directors of the company shall be liable in their individual

capacity for all debts contracted over and above good and solvent stock secured to said company; and the Legislature reserves the right to alter, amend or repeal this charter at pleasure."

On the question to concur in said report,

The ayes and noes being called for by Messrs. Orth and Morgan of Decatur,

*Those who voted in the affirmative are,*

Messrs. Akin, Allison, Berry of Franklin, Berry of Monroe, Buell, Chapman of Daviess, Cuppy, Edmonson, English, Goodenow, Hamer, Handy, Hardin, Henry, Herriman, Howell, Jackson, Jones, Lane, Leviston, Logan, Major, Miller, Parks, and Rockhill—25.

*Those who voted in the negative are,*

Messrs. Barbour, Bowers, Bradbury, Chapman of Laporte, Chenowith, Coffin, Conner, Davis, Ellis, Hamrick, Holloway, Montgomery, Moore, Morgan of Decatur, Morgan of Rush, Murphey, Orth, Pomeroy, Read, Reyburn, Todd, Verbriake, Winchell, Wood, and Zenor—25.

So the report was not concurred in.

Mr. Edmonson then moved to amend the bill as follows:

"The Legislature reserves the right to alter, amend or repeal this charter at pleasure."

Mr. Orth moved to amend the amendment as follows:

"*Provided*, The State pays to the company the fair amount of all the labor done on said road by this company."

On the adoption of Mr. Orth's amendment,

The ayes and noes were called for by Messrs. Orth and Pomeroy; and,

*Those who voted in the affirmative are,*

Messrs. Akin, Bowers, Bradbury, Buell, Chapman of Daviess, Chenowith, Coffin, Conner, Cuppy, Davis, Ellis, Goodenow, Hamer, Hamrick, Holloway, Jackson, Montgomery, Moore, Morgan of Decatur, Morgan of Rush, Murphey, Orth, Pomeroy, Read, Reyburn, Rockhill, Todd, Verbriake, Winchell, Wood, and Zenor—31.

*Those who voted in the negative are,*

Messrs. Allison, Barbour, Berry of Franklin, Berry of Monroe, Chapman of Laporte, Edmonson, English, Handy, Hardin, Henry, Herriman, Howell, Jones, Lane, Leviston, Logan, Major, Miller, and Parks—19.

So the amendment was adopted.



Mr. Berry of Franklin moved to amend the amendment of Mr. Edmonson as follows:

"And further be it provided, that if the directors and stockholders shall violate this charter, they shall forfeit to the State what work they may have done upon said road."

Which amendment was adopted.

The question then recurring upon the adoption of the amendment of Mr. Edmonson, as amended,

The ayes and noes were called for by Messrs. Montgomery and Chapman of Laporte; and

*Those who voted in the affirmative are,*

Messrs. Bowers, Buell, Chapman of Daviess, Cuppy, Davis, Ellis, Goodenow, Hamer, Hamrick, Holloway, Montgomery, Moore, Morgan of Decatur, Morgan of Rush, Murphey, Orth, Pomeroy, Verbribe, Winchell, and Zenor—20.

*Those who voted in the negative are,*

Messrs. Akin, Allison, Barbour, Berry of Franklin, Berry of Monroe, Bradbury, Chapman of Laporte, Chenowith, Coffin, Conner, Edmonson, English, Handy, Hardin, Henry, Herriman, Howell, Jackson, Jones, Lane, Leviston, Logan, Major, Miller, Parks, Read, Reyburn, Rockhill, Todd, and Wood—30.

So the amendment was not adopted.

The following message was received from the House of Representatives by Mr. Kinder, their Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House have passed the following engrossed bill thereof:

No. 286. A bill for the relief of Causby M. Lewis;

In which the concurrence of the Senate is respectfully requested.

Mr. Herriman then moved to amend the bill as follows:

"The directors of the company shall be liable, in their individual capacity, for all debts contracted over and above good and solvent stock secured to said company."

On the adoption of the amendment,

The ayes and noes were called for by Messrs. Orth and Pomeroy; and

*Those who voted in the affirmative are,*

Messrs. Akin, Allison, Berry of Franklin, Berry of Monroe, Buell, Chapman of Daviess, Conner, Cuppy, Edmonson, English, Goodenow, Handy, Hardin, Henry, Herriman, Howell, Jackson, Jones, Lane, Leviston, Logan, Major, Miller, Parks, Rockhill, and Wood—26.

*Those who voted in the negative are,*

Messrs. Barbour, Bowers, Bradbury, Chapman of Laporte, Chenowith, Coffin, Davis, Ellis, Hamer, Hamrick, Holloway, Montgomery, Moore, Morgan of Decatur, Morgan of Rush, Murphey, Orth, Pomeroy, Reyburn, Todd, Verbribe, Winchell, and Zenor—23.

So the amendment was adopted.

The bill was then ordered to a third reading.

Mr. Berry of Franklin, from the committee on corporations, submitted the following report:

MR. PRESIDENT:

The committee on corporations, to whom was referred bill No. 96, entitled, "A bill to incorporate the Lafayette hydraulic company," have had that subject under consideration, and directed me to report it back to the Senate, with amendments, which, when adopted, they recommend its passage:

First amendment as follows:

Strike out of section fourteen all that part which authorizes the company to tap the Wabash and Erie canal.

Which amendment was not adopted.

Mr. Berry of Franklin offered the following amendment:

"And provided, if by such tapping of said canal, there should ensue any breach or other injury to it, the company shall repair it."

Which was adopted.

Second amendment as follows: Add

"SEC. —. Said company shall erect and maintain good and sufficient bridges for the use of the public, over all State and county roads which shall cross said canal or race; and it shall build and keep in good repair the necessary bridges and embankments for the free passage over said canal or race, wherever they may divide any farm or other tract of land not owned by said company."

Which amendment was adopted.

Third amendment as follows:

"SEC. —. The directors of said company shall be individually liable for the payment of all debts which they may contract over



and above the amount of capital stock subscribed, and the payment thereof secured."

On the adoption of said amendment,

The ayes and noes were called for by Messrs. Orth and Pomeroy; and

*Those who voted in the affirmative are,*

Messrs. Akin, Allison, Berry of Franklin, Berry of Monroe, Buell, Chapman of Daviess, Cuppy, Edmonson, English, Handy, Hardin, Herriman, Howell, Jackson, Jones, Lane, Leviston, Logan, Major, Miller, Parks, and Rockhill—22.

*Those who voted in the negative are,*

Messrs. Barbour, Bowers, Bradbury, Chapman of Laporte, Chenowith, Coffin, Conner, Davis, Ellis, Hamer, Hamrick, Henry, Holloway, Montgomery, Moore, Morgan of Decatur, Morgan of Rush, Murphey, Orth, Pomeroy, Reyburn, Todd, Verbriake, Winchell, Wood, and Zenor—26.

So the amendment was not adopted.

Fourth amendment as follows:

Strike out section 18, and insert,

"SEC. —. The Legislature reserves the right to alter, amend, or repeal this act; and this act to take effect and be in force from and after its passage."

Mr. Orth moved to concur in the amendment with the following amendment:

"But before any repeal takes effect, the State shall pay to said company the amount of money expended under this act, with interest, and confirm all contracts entered into by said company."

Mr. Chapman of Laporte called for a division of the question.

The question then recurring upon the adoption of Mr. Orth's amendment,

The ayes and noes were called for by Messrs. Orth and Berry of Franklin; and

*Those who voted in the affirmative are,*

Messrs. Bowers, Bradbury, Buell, Chenowith, Coffin, Conner, Davis, Ellis, Goodenow, Hamer, Holloway, Montgomery, Moore, Morgan of Decatur, Morgan of Rush, Murphey, Orth, Pomeroy, Reyburn, Todd, Verbriake, and Winchell—22.

*Those who voted in the negative are,*

Messrs. Akin, Allison, Barbour, Berry of Franklin, Berry of Monroe, Chapman of Daviess, Chapman of Laporte, Cuppy, Edmonson, English, Hamrick, Handy, Hardin, Herriman, Howell,

Jackson, Jones, Lane, Leviston, Logan, Major, Miller, Parks, Rockhill, Wood, and Zenor—26.

So the amendment was not adopted.

The question then recurring upon the adoption of the amendment of the committee,

The ayes and noes were called for by Messrs. Orth and Morgan of Decatur; and,

*Those who voted in the affirmative are,*

Messrs. Akin, Allison, Barbour, Berry of Franklin, Berry of Monroe, Buell, Chapman of Daviess, Chapman of Laporte, Cuppy, Edmonson, English, Handy, Hardin, Herriman, Howell, Jackson, Jones, Lane, Leviston, Logan, Major, Miller, Parks, Rockhill, and Wood—25.

*Those who voted in the negative are,*

Messrs. Bowers, Bradbury, Chenowith, Coffin, Conner, Davis, Ellis, Goodenow, Hamer, Hamrick, Holloway, Montgomery, Moore, Morgan of Decatur, Morgan of Rush, Murphey, Orth, Pomeroy, Reyburn, Todd, Verbriake, Winchell, and Zenor—23.

So the amendment was adopted.

On motion by Mr. Orth,

The bill as amended, was then laid upon the table.

The following message from the House of Representatives was received by Mr. Kinder, their Clerk:

MR. PRESIDENT:

I am directed by the House to inform the Senate that the House have passed an engrossed bill of the Senate, without amendment, of the following title:

No. 145. An act changing the venue in the case of the State against Silas Doty, from Allen county, in the 12th judicial circuit, to Elkhart county, in the 9th judicial circuit of Indiana.

On motion,

The Senate adjourned.



# WEDNESDAY MORNING, Dec. 31, 1845.

The Senate assembled.

The journal of the preceding day was read.

On motion by Mr. English,  
The rules were suspended, and was taken from the files,  
No. 286. A bill (of the House) for the relief of Causa M. Lewis;  
Which was read a first time.

On motion by Mr. English,  
The rules were suspended, and the bill read a second and third  
times, and passed.

The rules being suspended,  
Mr. Rockhill introduced,  
No. 146. A bill changing the venue in the case of the State vs.  
Silas Doty, from Allen county, in the 12th judicial circuit, to Elk-  
hart county, in the 9th judicial circuit of Indiana;

Which was read a first time.

On motion by Mr. Rockhill,  
The rules were suspended, and the bill read a second and third  
times, and passed.

The following message was received from the House of Repre-  
sentatives by Mr. Kinder, their Clerk:

## MR. PRESIDENT:

I am directed by the House to inform the Senate that the House  
have concurred in the resolution of the Senate in relation to the  
election of two Bank Directors to fill the vacancy occasioned by the  
resignation of Abel C. Pepper, and the expiration of the term of  
service of Jacob Walker, with one amendment:

Strike out "Friday" and insert this day (Wednesday) at two  
o'clock, P. M.

In which the concurrence of the Senate is respectfully requested.

## MR. PRESIDENT:

I am instructed by the House of Representatives to inform the  
Senate that the House have passed the following engrossed bills  
thereof:

No. 169. An act to incorporate the Hagerstown musical institute;  
No. 236. An act to amend the 10th article of 40th chapter of the  
Revised Statutes 1843;

No. 270. An act to assess a school tax in the counties of Adams  
and Jay;

No. 271. An act to locate a State road in the counties of Ohio  
and Switzerland;

No. 277. An act to prevent county auditors from practising as  
attorneys at law in the county commissioners' court;

No. 269. An act for the relief of purchasers of canal lands;  
In which the concurrence of the House is respectfully requested.

The House have also passed bill of the Senate No. 43 without  
amendment:

An act in relation to taking up estrays.

They have also passed bill of the Senate No. 65 with one amend-  
ment:

An act for the relief of Thomas Mürphey.

In which amendment the concurrence of the Senate is respect-  
fully requested.

Mr. Read presented the petition of Simon Bottorff, in relation to  
leasing the State prison:

On motion by Mr. Akin,

The petition was referred to the committee on the State prison.

Mr. Ellis presented the petition of Levi Chambers and others, on  
the subject of erecting a mill dam across Black creek, in Knox  
county;

On motion by Mr. Ellis,

The petition was referred to a select committee of Messrs. Ellis,  
Winchell and Bowers.

Mr. Montgomery presented the petition of sundry citizens of  
Fountain and Warren counties, in relation to a certain State road  
therein named;

On motion by Mr. Montgomery,

The petition was referred to a select committee of Messrs. Mont-  
gomery, Jones and Edmonson.

On motion by Mr. Chapman of Laporte,

The message from the House of Representatives in relation to  
going into an election of two Bank Directors was taken up and  
concurred in.

Mr. Edmonson asked and obtained leave to withdraw from the  
files the petition of sundry citizens of Pike county in relation to  
school lands.

Mr. Ellis, from the committee on the judiciary, submitted the fol-  
lowing report:

## MR. PRESIDENT:

The committee on the judiciary who were directed by Senate  
resolution "to enquire whether the laws as they now stand in regard  
to requiring security for costs of suit are a sufficient guarantee  
against vexatious and unnecessary litigation," having had the same



under consideration, have instructed me to report that they consider the present laws as sufficient for that purpose, as a due regard to the free administration of justice to all will permit.

Which report was concurred in.

Mr. Barbour, from the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred bill of the Senate, No. 130, entitled, "a bill to amend the practice at law," have had that subject under consideration, and have directed me to report that they deem it inexpedient to legislate on that subject, and respectfully recommend the indefinite postponement of said bill.

Which report was concurred in.

Mr. Barbour, from the committee on the judiciary, submitted the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred the petition of A. Morgan and others, praying the repeal of a certain act "so as to give mortgagees the right of ejecting mortgagors from mortgaged premises on default in the payment of the mortgage debt," have had that subject under consideration, and have directed me to report that they deem it inexpedient to legislate on that subject, and ask to be discharged from the further consideration thereof.

Which report was concurred in.

Mr. Henry, from the committee on the judiciary, submitted the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred the memorial of the trustees of Cambridge City, and also, the petition of sundry citizens of said town, praying for the passage of a law organizing a city court in Cambridge City, having concurrent jurisdiction with the circuit court in civil actions, have had the same under consideration, and directed me to report that it is inexpedient to legislate on that subject.

Which report was concurred in.

Mr. Murphey, from the committee on the judiciary, submitted the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred bill, No. 122, of the Senate, entitled, "An act in relation to the publication of delinquent lists of lands," have had the same under consideration, and have directed me to report the same back to the Senate, and ask that it be indefinitely postponed.

Which report was concurred in.

Mr. Hamrick moved to reconsider the vote by which said report was concurred in.

Which motion did not prevail.

Mr. Murphey, from the committee on the judiciary, submitted the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred bill, No. 26, of the Senate, entitled, "An act in relation to the jurisdiction and duties of justices of the peace," have had the same under consideration, and have directed me to report the same back to the Senate, and recommend its indefinite postponement.

Which report was concurred in.

Mr. Holloway, from the committee on the judiciary, submitted the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred a resolution of the Senate, requiring said committee to enquire into the expediency of changing the probate system by instituting circuits, have had the same under consideration, and have directed me to report that it is inexpedient to legislate upon that subject at the present time.

On motion by Mr. Buell,  
The report was laid upon the table.

Mr. Holloway, from the committee on the judiciary, submitted the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred bill of the



Herriman, Jackson, Leviston, Logan, Major, Miller, Morgan of Decatur, Parks, Read, Todd, and Wood—22.

So the bill was laid upon the table.

The following message was received from the House of Representatives, by Mr. Kinder, their Clerk:

MR. PRESIDENT:

I am instructed by the House of Representatives, to inform the Senate, that the House have passed engrossed bill of the Senate No. 146, without amendment:

An act changing the venue in the case of the State against Silas Doty, from Allen county, in the 12th judicial circuit, to Elkhart county, in the 9th judicial circuit of Indiana.

Mr. Pomeroy gave notice that he should, on to-morrow, offer a resolution, to take up regularly, the order of the day, at two o'clock, P. M., of each day.

Leave being granted,

Mr. Ellis offered the following resolution:

WHEREAS, The Senate at the commencement of this session of the legislature, ordered the printing of 1000 copies of his Excellency the Governor's annual message, in German, for the use of the Senate, and also, 500 copies in the French language, which copies have not been furnished by the State Printer, therefore,

*Resolved*, That the State Printer inform the Senate what has occasioned this extraordinary delay, and that he inform the Senate when they may expect the same to be furnished the Senate for distribution.

Which was adopted.

The following communication from his Excellency, the Governor, was received by Mr. Powers:

MR. PRESIDENT:

I am directed by his Excellency, the Governor, to inform the Senate, that he has this day approved and signed:

No. 16. An act to authorize the church of God, meeting in Walnut street, in the town of Jeffersonville, to elect trustees, and sell their property for the payment of their debts;

No. 11. An act for the relief of Francis La Fontaine;

No. 79. An act to locate a State road in Dearborn and Ripley counties;

No. 32. An act regulating the jurisdiction of justices of the peace in the county of Miami;

No. 20. An act to repeal an act to reduce the prices paid for ferriages in Lawrence county, approved 15th January, 1844, and to revive the general law;

No. 58. An act to amend an act entitled "An act to incorporate the young men's literary association of Richmond, Wayne county, Indiana," approved February 15, 1839;

No. 38. An act to incorporate a Lutheran church, in Franklin county;

No. 7. An act to attach the county of Tipton to the 11th judicial circuit, and fixing the time of holding courts in said circuit;

No. 34. An act to correct a mistake in a certain act therein named;

No. 18. An act to authorize the sale of school lands, in township two, south of range one west, in the county of Crawford;

No. 21. An act establishing a State road in the counties of Putnam and Clay;

No. 50. An act to vacate certain streets, in Cambridge city;

No. 55. An act to compensate supervisors, in the county of Morgan;

No. 56. An act providing for the improvement of roads in the several counties therein named;

No. 60. An act to correct a misprint, in an act entitled "An act for the relief of the administrators of John Case, late of Dearborn county, deceased;

No. 57. An act authorizing the county commissioners of Fountain and Jefferson counties, to employ a physician for the benefit of the paupers at the Asylums in said counties;

No. 39. An act to authorize a settlement between the State and Allen McLean, of Morgan county.

All of which originated in the Senate.

Leave being granted,

Mr. Herriman, from a select committee, submitted the following report:

MR. PRESIDENT:

The select committee to whom was referred bill of the House No. 73, have had the same under consideration and directed me to report the same back and recommend its passage.

Mr. Berry of Monroe moved to concur in the report, with the following amendment:

Amend the bill by making it the duty of the county assessors elected to discharge the duties required by this act.

Mr. Read moved to amend the amendment as follows:

*Provided*, That nothing herein contained shall be so construed as to prevent the boards doing county business to appoint the present



county or township assessors to perform the duties required in this act;

Which amendment was accepted by Mr. Berry.

The following message from the House of Representatives was received by Mr. Kinder, their Clerk:

MR. PRESIDENT:

I am instructed by the House of Representatives to inform the Senate that the House have passed the following joint resolution thereof:

No. 280. A joint resolution in relation to the public lands in the Vincennes district, of the State of Indiana.

On motion by Mr. Berry of Franklin,  
The Senate adjourned until two o'clock, P. M.

2 o'clock, P. M.

The Senate met.

Mr. Ellis moved a call of the Senate;

Which was ordered.

On motion by Mr. Ellis,  
The further call was suspended.

On motion by Mr. Herriman,  
*Ordered*, That the Secretary inform the House of Representatives that the Senate are now ready to proceed to the election of Bank Directors to fill the vacancy occasioned by the resignation of the Hon. Abel C. Pepper, and the vacancy occasioned by the expiration of the term of service of the Hon. Jacob Walker.

The following message was received from the House of Representatives by Mr. Kinder, their Clerk:

MR. PRESIDENT:

I am directed by the House to inform the Senate that the House are now ready to proceed, with closed doors, to the election of Bank Directors, and will proceed to fill the vacancy occasioned by the resignation of Abel C. Pepper, on first ballot.

The Senate then, according to order, proceeded, with closed doors, to the election of a Bank Director, to fill the vacancy occasioned by

the resignation of Hon. Abel C. Pepper; Messrs. Morgan of Decatur, and Berry of Monroe, acting as tellers.

Upon counting the first balloting, it appeared that

Isaac Dunn received	-	-	-	-	-	13 votes.
John F. Carr received	-	-	-	-	-	16 votes.
Omer Tousey received	-	-	-	-	-	2 votes.
Samuel Wilson received	-	-	-	-	-	3 votes.
Ira Grover received	-	-	-	-	-	10 votes.
Basil Brown received	-	-	-	-	-	3 votes.
Blank,	-	-	-	-	-	2 votes.

No gentleman having received a majority of all the votes given, the Senate proceeded to a second balloting;

And on counting the same, it appeared that,

Isaac Dunn received	-	-	-	-	-	17 votes.
John F. Carr received	-	-	-	-	-	17 votes.
Ira Grover received	-	-	-	-	-	8 votes.
Scattering,	-	-	-	-	-	7 votes.

No gentleman having received a majority of all the votes given, the Senate proceeded to a third balloting, and on counting the same it appeared that,

Isaac Dunn received	-	-	-	-	-	26 votes.
John F. Carr received	-	-	-	-	-	18 votes.
Scattering,	-	-	-	-	-	5 votes.

Isaac Dunn having received a majority of all the votes given, was declared, by the President, duly elected, on the part of the Senate, a Director of the State Bank, to serve as such, for the remainder of the unexpired term of the Hon. Abel C. Pepper.

*Ordered*, That the Secretary inform the House thereof, by sealed message.

The following message from the House of Representatives was received by Mr. Kinder, their Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to deliver to the Senate the accompanying sealed message in relation to the election of a Director, on the part of the State, of the State Bank of Indiana:



MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that at an election held by the House, with closed doors, in pursuance of a resolution of the two Houses, for the purpose of electing a Director of the State Bank of Indiana, to fill the vacancy occasioned by the resignation of Abel C. Pepper, John F. Carr received on the third ballot a majority of all the votes given, and was thereupon declared duly elected, on the part of the House, a Director of the State Bank of Indiana, to serve as such for and during the remainder of the term of service of Abel C. Pepper, yet unexpired.

T. B. KINDER,

*Clerk of the House of Representatives.*

The two Houses not agreeing in their choice,

The Senate then proceeded to a second separate balloting for a bank director;

And, on counting the first balloting, it appeared that

John F. Carr received	-	-	-	-	28 votes.
Isaac Dunn received	-	-	-	-	17 votes.
Scattering,	-	-	-	-	4 votes.

John F. Carr having received a majority of all the votes given, was declared by the President duly elected a bank director, to serve as such for the unexpired term of the Hon. A. C. Pepper, resigned.

The following message from the House of Representatives, was received by Mr. Kinder, their Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to deliver to the Senate the accompanying sealed message, in relation to the election of a director, on the part of the State, to the State bank of Indiana.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that, at an election held by the House with closed doors, in pursuance of a resolution of the two Houses, for the purpose of electing a director of the State Bank of Indiana, to fill the vacancy occasioned by [the] resignation of Abel C. Pepper, John F. Carr received on the third ballot, a majority of all the votes given; and was thereupon declared duly elected, on the part of the House of Representatives, a director of the State Bank of Indiana, to serve as such during the unexpired term of Abel C. Pepper.

T. B. KINDER, Clerk.

The two Houses having agreed in their choice of a bank director in the place of the Hon. Abel C. Pepper, resigned,

The Senate then proceeded, with closed doors, to the election of a bank director, to fill the vacancy occasioned by the expiration of the term of service of Hon. Jacob Walker, Messrs. Hamer and Lane acting as tellers;

Upon counting the first balloting, it appeared that

Jacob Walker received	-	-	-	-	28 votes.
Gilbert Hathaway received	-	-	-	-	16 votes.
Scattering,	-	-	-	-	5 votes.

Mr. Walker having received a majority of all the votes given, was declared, by the President, duly elected, on the part of the Senate, a director of the State Bank of Indiana for the term of four years from and after the expiration of his present term of service.

Ordered, That the Secretary inform the House of Representatives thereof by sealed message.

Mr. Allison, from the committee on enrolled bills, submitted the following report:

MR. PRESIDENT:

The committee on enrolled bills, to whom was referred bill of the Senate No. 146, have compared the enrolled with the engrossed and find it correctly enrolled.

The following message from the House of Representatives, was received by Mr. Kinder, their Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to deliver to the Senate the accompanying sealed message in relation to the election of a director, on the part of the State, of the State Bank of Indiana:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that, at an election held by the House with closed doors, in pursuance of a resolution of the two Houses, for the purpose of electing a director of the State Bank of Indiana, to fill the vacancy occasioned by the expiration of the term of service of Jacob Walker, Jacob Walker received, on the first ballot, a majority of all the votes given; and was thereupon declared duly elected on the part of the House of Representatives, a director of the State Bank of Indiana, to serve as such for the term of four years from and after the expiration of the term of service of the said Jacob Walker.

T. B. KINDER,

*Clerk of House of Representatives.*

On motion,  
The Senate adjourned.



THURSDAY MORNING, JAN. 1, 1846.

The Senate assembled.

The Journal of the preceding day was read.

Mr. Pomeroy, in pursuance of notice given yesterday, offered the following resolution:

*Resolved*, That hereafter, during the remainder of the present session, the Senate will each day, at two o'clock, P. M., proceed to take up and dispose of the orders of the day.

Mr. Herriman moved to amend the resolution by adding thereto, "unless two thirds of the Senate order otherwise."

Which amendment was adopted;

And the resolution, as amended, was then adopted.

Mr. Ellis, from the committee on the judiciary, submitted the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred House bill No. 59, to provide for the taking, holding and transmitting of real estate by aliens, and for quieting titles to real estate, after having the same under consideration, have instructed me to report the same back to the Senate with the following amendment, and recommend its passage:

Amend as follows:

Add the following section before the 9th section, to-wit:

"SEC. 9. That the validity of all titles heretofore derived either by a descent or purchase from aliens to citizens of the United States of lands lying in the State of Indiana shall be in no way affected by the question of alienage."

Mr. Buell moved to amend the amendment as follows:

"Or all those who have filed their intention to become citizens of the United States."

Pending which,

On motion by Mr. Chapman of Laporte,

The bill and amendments were laid upon the table.

Leave being granted,

Mr. Todd presented the petition of Henry P. Todd, in relation to the estate of Israel Phillips, deceased.

On motion by Mr. Todd,

The petition was referred to a select committee of Messrs. Todd, Chapman of Laporte, and Hamer.

Mr. Henry, from the committee on the judiciary, submitted the following report:

MR. PRESIDENT:

The judiciary committee, to whom was referred bill of the Senate No. 124. A bill to punish libellers by indictment, have had the same under consideration, and directed me to report it back and recommend its indefinite postponement.

Which report was concurred in.

Mr. Allison, from the committee on education, submitted the following report:

MR. PRESIDENT:

The committee on education, to whom was referred bill of the Senate No. 103, to authorize the agent of the surplus revenue fund of Allen county to accept a conveyance of certain real estate, have, according to order, had the same under consideration, and directed me to report the same back to the Senate, and recommend its passage.

On the question,

"Shall the bill be engrossed for a third reading?"

The ayes and noes were called for by Messrs. Chapman of Laporte, and Barbour; and,

*Those who voted in the affirmative are,*

Messrs. Allison, Berry of Franklin, Berry of Monroe, Bowers, Chapman of Daviess, Cuppy, Edmonson, English, Hardin, Herriman, Howell, Jackson, Leviston, Miller, Parks, Reed, Rockhill, Todd, and Wood—19.

*Those who voted in the negative are,*

Messrs. Akin, Barbour, Bradbury, Buell, Chapman of Laporte, Chenowith, Coffin, Conner, Davis, Ellis, Goodenow, Hamer, Hamrick, Handy, Henry, Holloway, Jones, Logan, Major, Montgomery, Moore, Morgan of Decatur, Morgan of Rush, Murphey, Orth, Pomeroy, Reyburn, Verbriek, and Zenor—29.

So the bill was ordered to be engrossed.

Mr. Barbour, chairman of the committee on federal relations, submitted the following report:



## MR. PRESIDENT:

The committee on federal relations, to whom was referred so much of the Governor's message as relates to the crisis in our State affairs, have directed me to report that they do not sufficiently understand the *crisis* to presume to make any recommendations, and ask to be discharged from the further consideration thereof.

Which report was concurred in.

Mr. Barbour, chairman of the committee on federal relations, submitted the following report:

## MR. PRESIDENT:

The committee on federal relations, to whom was referred resolution of the Senate No. 4, instructing said committee to enquire into the expediency of instructing our members in Congress to use all honorable means to secure the passage of a law granting a portion of land in the territory of Oregon or Texas for the settlement of the free blacks of the different States, have had the same under consideration, and have directed me to report that they do not think it expedient to recommend any such measure at present, and they ask to be discharged from the further consideration of that subject.

Which report was concurred in.

The following communication from his Excellency, the Governor, was received by Mr. Powers:

## MR. PRESIDENT:

I am directed by his Excellency, the Governor, to inform the Senate that on yesterday he approved and signed

No. 146. An act changing the venue in the case of the State of Indiana against Silas Doty, from the county of Allen, in the 12th judicial circuit of Indiana, to Elkhart county, in the 9th judicial circuit of said State;

Which originated in the Senate.

Mr. Barbour, chairman of the committee on federal relations, submitted the following report:

## MR. PRESIDENT:

The committee on federal relations, to whom was referred a joint resolution on the subject of improving the navigation of the St. Joseph river, have had the same under consideration, and have directed me to report that they do not doubt that the improvement of the

St. Joseph river would conduce to the convenience and welfare of numerous citizens living in the vicinity of that stream, yet they do not regard that consideration as sufficient to entitle it to an appropriation from Congress. Whatever Congress may have done in times past, the committee hold that Congress has no power to grant appropriations for works of improvement which are not *mainly national*. They cannot conceive that the improvement of the St. Joseph river is a *national* object. The committee would further suggest that the memorializing Congress for appropriations for frivolous and improper objects, serves to prejudice our applications for meritorious and important ones, and to sink the dignity of our representatives and their constituents. The committee therefore recommend that said joint resolution lie on the table.

Which report was not concurred in.

On motion by Mr. Pomeroy,

The joint resolution was referred to a select committee of Messrs. Pomeroy, Morgan of Decatur, and Cuppy.

Mr. Allison, from the committee on education, submitted the following report:

## MR. PRESIDENT:

The committee on education to whom was referred bill (of the House of Representatives) No. 188, "To secure a more economical management of the common school fund;" according to order, have had the same under consideration, and directed me to report the same back to the Senate, and recommend its passage.

On the question,

"Shall the bill be ordered to a third reading?"

The ayes and noes were called for by Messrs. Cuppy and Chapman of Laporte, and,

*Those who voted in the affirmative are,*

Messrs. Akin, Berry of Monroe, Chapman of Daviess, Hamer, Hardin, Henry, Jackson, Lane, Miller, Montgomery, Parks, Read, Reyburn, Todd, Wood, and Zenor—16.

*Those who voted in the negative are,*

Messrs. Akin, Barbour, Berry of Franklin, Bowers, Bradbury, Buell, Chapman of Laporte, Chenowith, Coffin, Conner, Cuppy, Edmonson, Ellis, English, Goodenow, Hamrick, Handy, Herriman, Holloway, Howell, Jones, Leviston, Logan, Major, Morgan of Decatur, Morgan of Rush, Murphey, Orth, Pomeroy, Rockhill, and Verbrake—31.



So the bill was not ordered to a third reading.

Mr. Read, from the committee on federal relations, submitted the following report:

MR. PRESIDENT:

The committee on federal relations, to whom was referred a joint resolution on the subject of inland seas, have had that subject under their consideration, and inasmuch as a joint resolution, embracing that subject has passed the legislature at its present session, have directed me to report the same back to the Senate, and ask that it may be laid upon the table.

Which report was concurred in.

Mr. Lane, chairman of the committee on canals and internal improvements, submitted the following report:

MR. PRESIDENT:

The committee on canals and internal improvements, to whom was referred bill No. 89, (of the Senate) in relation to the Wabash and Erie canal lands, have had the same under consideration, and have directed me to report the same back to the Senate, and recommend its passage.

Mr. Pomeroy moved to amend the bill as follows:

"Strike out, 'one hundred and twenty-five,' and insert, 'ten,' before the words 'per cent. penalty' in said bill mentioned in the first and eighth sections.

Which amendment was adopted.

The bill was then ordered to be engrossed and read a third time.

Mr. Coffin, from the committee on canals and internal improvements, submitted the following report:

MR. PRESIDENT:

The committee on canals and internal improvements to whom was referred the petition of sundry citizens of Parke county, praying a change in the location of the feeder dam across Sugar creek, have had that subject under consideration, and have directed me to report the following bill and recommend its passage.

No. 146. A bill to change the location of the feeder dam on Sugar creek, in Parke county;

Which was read a first time, and ordered to a second reading.

Mr. Logan, chairman of the committee on claims, submitted the following report:

MR. PRESIDENT:

The committee on claims to whom was referred the report of the superintendent of the New Albany and Vincennes turnpike road, informing the Senate of the amount due Owen McMannis, of Martin county, for work done by him on the said New Albany and Vincennes road, and also the petition of said McMannis on the same subject, have according to order, had the said report and petition under their consideration, and have directed me to report the following bill, and recommend its passage.

No. 147. A bill for the relief of Owen McMannis, of Martin county;

Which was read a first time, and ordered to a second reading.

The following message was received from the House of Representatives, by Mr. Kinder, their Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives, to inform the Senate, that the House have passed the following engrossed bills thereof.

No. 4. A bill for the relief of David Stoner and others;

No. 265. A bill limiting the time within which actions for the recovery of real estate shall be commenced;

No. 55. A bill relative to the issuing of executions;

No. 251. A bill for the relief of Alexander J. Line, of Wayne county;

No. 260. A bill for the relief of James Vawter;

No. 268. A bill relative to the duties of county recorder;

No. 255. A bill in relation to evidence in cases where records have been destroyed by fire;

No. 274. A bill for the relief of purchasers of school lands, in Fulton county;

No. 278. A bill to provide for the election of county surveyors, in Fulton and Marshall counties;

No. 279. A bill for the relief of Sarah Wallace.

In which the concurrence of the Senate is respectfully requested.

The House have also concurred in the amendments of the Senate, to bills of the House, of the following titles:

No. 244. A bill to authorize William M. Pugh and Willis Hodges, to substitute their notes, for that of Otis and William Page;

No. 114. A bill to repeal an act providing for the opening and repairing roads, highways, and streams, in the counties of Bartholomew, Putnam, Owen, Henry, and Perry, approved January 31, 1843, so far as relates to the county of Bartholomew.



## MR. PRESIDENT:

I am directed by the House of Representatives, to inform the Senate, that the House have passed the following engrossed bills of the Senate, without amendment:

- No. 36. A bill to vacate part of a State road in Franklin county;
- No. 111. A bill establishing an additional place of holding elections in Bartholomew county;
- No. 115. A bill to repeal the corporation law, so far as Lexington is concerned;
- No. 120. A bill to prohibit the county court of Scott county, from levying a tax therein named;
- No. 121. A bill to establish a State road in Scott county;
- No. 127. A bill to vacate a certain alley in the town of Plymouth.

The House of Representatives have also passed engrossed bills of the Senate, with amendments:

- No. 66. A bill to extend further time to borrowers of the sinking fund;  
With two amendments.
- No. 116. A bill to authorize the people of Fayette and other counties therein named, to elect their Seminary trustees;  
With one amendment.

In which amendments the concurrence of the Senate is respectfully requested.

Mr. Logan, chairman of the committee on claims, submitted the following report:

## MR. PRESIDENT:

The committee on claims, to whom was referred a bill of the Senate, entitled, "A bill for the relief of Martin Fitzpatrick of Daviess county," and also, the petition of said Fitzpatrick, have, according to order, had under their consideration the bill and petition so referred, and have directed me to make one amendment thereto: "strike out of the first section the words 'one hundred and ten dollars,' and insert 'ninety-five dollars and seventy-three cents,'" and this amendment concurred in, the committee recommend the passage of the bill.

Which report was concurred in.  
The bill was ordered to be engrossed, and read a third time on tomorrow.

Mr. Berry of Monroe, chairman of the committee on the State Library, submitted the following report:

## MR. PRESIDENT:

The committee on the State Library, to whom was directed a resolution of the Senate directing them to enquire into the expediency of distributing a portion of the statistics of the census of 1840, now in the State Library, among the several counties in this State, have had the subject matter of said resolution under consideration, and have directed me to report the following bill, and recommend its passage:

No. 148. An act to provide for the distribution of certain public documents;

Which was read a first time.

On motion by Mr. Orth,

The rules were suspended, and the bill read a second time.

Mr. Pomeroy moved to amend the bill by providing that one of the copies provided to be put in the clerk's office, be placed in each county library.

Which amendment was adopted.

Mr. Miller moved to amend the bill by providing that one copy be sent to each county and township in this State.

Which amendment was not adopted.

Mr. Chapman of Laporte, moved to amend the bill by adding after the word "literary" the words "and library."

Which amendment was adopted.

The bill was then ordered to be engrossed, and read a third time.

Mr. Lane, from the committee on the State Bank, submitted the following report:

## MR. PRESIDENT:

The committee on the State Bank, to whom was referred bill No. 142, to repeal parts of certain acts therein named, have had the same under consideration, and a majority of said committee have directed me to report the same back to the Senate, and recommend that it be indefinitely postponed.

On the question to concur in said report,

The ayes and noes were called for by Messrs. Orth and Chapman of Laporte;

*Those who voted in the affirmative are,*

Messrs. Allison, Bowers, Bradbury, Chenoweth, Coffin, Conner, Davis, Ellis, Goodenow, Hamer, Hamrick, Holloway, Howell, Lane, Major, Montgomery, Moore, Morgan of Decatur, Morgan of Rush, Murphey, Pomeroy, Reyburn, Rockhill, Todd, Verbriek, and Zenor  
—27.



*Those who voted in the negative are,*

Messrs. Akin, Barbour, Berry of Franklin, Berry of Monroe, Buell, Chapman of Daviess, Chapman of Laporte, Cuppy, Edmonson, English, Handy, Hardin, Henry, Herriman, Jackson, Jones, Leviston, Logan, Miller, Orth, Parks, Read, and Wood—23.

So the report was concurred in.

Mr. Allison moved to take from the table,

No. 96. A bill to incorporate the Lafayette Hydraulic company; Which motion prevailed.

Mr. Allison then moved to reconsider the vote by which the last amendment of the committee on corporations was adopted.

The ayes and noes being called for by Messrs. Allison and Orth;

*Those who voted in the affirmative are,*

Messrs. Allison, Bowers, Bradbury, Buell, Chapman of Daviess, Chapman of Laporte, Chenowith, Coffin, Cuppy, Davis, Ellis, Goodenow, Hamer, Hamrick, Henry, Holloway, Howell, Jackson, Montgomery, Moore, Morgan of Decatur, Morgan of Rush, Murphey, Orth, Pomeroy, Read, Reyburn, Rockhill, Todd, Verbriek, and Zenor—31.

*Those who voted in the negative are,*

Messrs. Akin, Barbour, Berry of Franklin, Berry of Monroe, Conner, Edmonson, English, Handy, Hardin, Herriman, Jones, Lane, Leviston, Logan, Major, and Miller—16.

So the vote was reconsidered.

Mr. Allison then moved to amend the amendment as follows:

Amend the last amendment by adding after the words "repeal this act," whenever said corporation shall violate any provision of this act, and in case of the repeal at any time of the corporate powers hereby vested, the assets of said corporation, over and above its liabilities, shall revert to the stockholders in proportion to the stock by them held.

Which amendment was adopted.

The amendment of the committee, as amended, was adopted.

Mr. Orth then moved to amend the bill as follows:

Amend by striking out the following:

"As one constructed by the State opposite the town of Pittsburgh, in Carroll county."

And insert in lieu thereof:

"As those that may be constructed for navigation purposes upon the Wabash river below said point prior to the erection of said dam and lock."

Which amendment was adopted.

Mr. Berry of Franklin, moved to amend the bill as follows: Add SEC. —. The stockholders shall be individually liable for the payment of all dues to the laborers upon said work that shall not be paid when due by the company in its corporate capacity.

Which amendment was adopted.

On motion by Mr. Orth,

The rules were suspended, and the bill read a third time, and passed.

Mr. Orth moved to take from the table,

No. 53. A bill to provide for the continuation of the Madison and Indianapolis railroad to Lafayette;

Which motion prevailed.

Mr. Allison then moved to amend the bill as follows:

Amend the last section by adding after the words "repeal this act," whenever said corporation shall violate any provision of this act, and in case of the repeal at any time of the corporate powers hereby vested, the assets of said corporation, over and above its liabilities, shall revert to the stockholders in proportion to the stock by them held.

Which amendment was adopted.

Mr. Conner moved to amend the bill as follows:

Amend the first section, by inserting the following after the word "Lafayette," in the last line but one:

"On the most eligible route by way of Lebanon and Thorntown, in Boone county."

Mr. Orth moved to amend the amendment, by striking out the word "Thorntown";

Which motion prevailed.

The amendment, as amended, was then adopted.

Mr. Berry of Franklin moved to amend the bill as follows: Add

"SEC. —. The stockholders shall be individually liable for the payment of all dues to laborers who shall work upon said road, that shall not be paid when due, by said company in its corporate capacity."

Which amendment was adopted.

On motion by Mr. Orth,

The rules were suspended, and the bill read a third time and passed.

Mr. Morgan of Decatur, chairman of the committee on unfinished business, made the following report:

**MR. PRESIDENT:**

The committee on unfinished business, to whom was referred bill (of the House) No. 119, entitled, "An act providing for the better preservation of legislative papers," have had the same under consid-



ration, and directed me to report the same back and recommend its passage.

The bill was then read a third time, the rules being suspended, and passed.

Mr. Todd, from a select committee, submitted the following report:

MR. PRESIDENT:

The select committee on the petition of Survilar Jane Neal, late Eudaly, have considered the same, and direct me to report the following bill and request its passage:

No. 149. A bill for the relief of Survilar Jane Neal, late Eudaly; Which was read a first time and ordered to a second reading.

Mr. Todd, from a select committee, submitted the following report:

MR. PRESIDENT:

The select committee to whom was referred the petition of the citizens of Marion county, in relation to the bridge over White river, on the Michigan road, have considered the subject, and direct me to report the following bill and recommend its passage:

No. 150. A bill in relation to the bridge over White river, on the Michigan road, in Marion county; Which was read a first time and ordered to a second reading.

Mr. Allison, from a select committee, submitted the following report:

MR. PRESIDENT:

The select committee to which was referred the petition of L. B. Edwards and others, of Greene county, praying the passage of a law incorporating the "White River Presbyterian Church and Society," have had the same under consideration, and directed me to report the following bill and recommend its passage:

No. 151. A bill to incorporate the White River Presbyterian Church and Society, in Greene county; Which was read a first time.

On motion by Mr. Allison,

The rules were suspended, and the bill read a second time and referred to the committee on corporations.

Mr. Handy, from a select committee, submitted the following report:

MR. PRESIDENT:

The select committee to which was referred the petition of Cynthia Devault, have had the same under consideration, and directed me to report a bill in accordance with the prayer of the petitioner.

Also, they ask leave to report a bill on the subject of divorcing Jacob Huffinan and Blisti Ann Huffman, of Scott county:

No. 152. A bill to divorce Cynthia Devault from William Devault, her husband; and, also, Blista Ann Huffman from Jacob Huffman;

Which was read a first time and ordered to a second reading.

Mr. Conner, from a select committee, submitted the following report:

MR. PRESIDENT:

The select committee to whom was referred the petition of sundry citizens of Boone county, in relation to the salary of the auditor of said county, have had that matter under consideration, and have directed me to report the following bill and recommend its passage:

No. 153. A bill fixing a certain annual compensation to the auditor of Boone county;

Which was read a first time and ordered to a second reading.

Mr. Parks, from a select committee, submitted the following report:

MR. PRESIDENT:

The select committee to whom was referred the following communication from James Morrison, Jacob Walker, and J. P. Drake, commissioners of the Sinking Fund:

SINKING FUND OFFICE, }  
Indianapolis, Dec. 9, 1845. }

To the Honorable the Senate

of the State of Indiana:

The undersigned beg leave to call the attention of the General Assembly to the fact, that broad insinuations, amounting to charges, have been for some time past, put forth in one of the newspapers printed at the seat of Government of gross mismanagement, if not of embezzlement of the sinking fund; and not being willing to lie under any such charge, the undersigned being all the commissioners



of the fund now at Indianapolis, would respectfully ask of the General Assembly, the appointment of a committee, to make a thorough and prompt investigation of the funds, and particularly of all the official acts of the undersigned, several and joint, since their appointment.

Very respectfully,

Signed,

J. MORRISON,  
JACOB WALKER,  
J. P. DRAKE.

Which committee was also instructed by Senate resolution No. 9, "to enquire whether the Fund Commissioners are in the habit of charging a per diem allowance as Bank Directors, and for the same day a per diem allowance for services as Fund Commissioners, and if so, whether there is any law warranting such conduct," have authorized me to report the following, as the result of their investigations.

The pressing engagements of the committee have not permitted them to give the subject that prompt and early attention that its nature seemed to demand—yet they have spent considerable time in the investigation of the condition of said fund, and so far as the committee have been able to investigate the subject, they are well satisfied that the funds have been well managed by the commissioners.

The committee would state that in the course of the investigation, they examined the books of said fund commissioners, and sundry vouchers, which they found well kept, and to correspond with the reports heretofore published and laid before the General Assembly. The conclusions of the committee, however, were mainly predicated upon the testimony of James M. Ray, the Cashier of the State Bank of Indiana, who has been clerk of the board of Sinking Fund Commissioners since its creation, and has a full knowledge of all their transactions, and the custody of all the obligations belonging to said fund. Mr. Ray and Mr. McChesney, a clerk, who keeps the books in the office, were examined at great length upon all matters touching subjects of the sinking fund from its commencement; especially since the appointment of the present incumbents.

A strict and satisfactory account was given of all the assets that came into the hands of said incumbents. The bonds and mortgages being in the hands of the secretary of the board, and the cash being in the hands of James P. Drake, treasurer of the board, or rather on deposit at the branch at Indianapolis of the State Bank of Indiana, as per certificate in the appendix, marked (B), except \$134, in the hands of Mr. Walker of Lafayette, one of the board. The abstract marked (A) furnishes a general view of the operation and condition of the fund, which may be relied upon as strictly true and correct.

It is true, that the said Fund Commissioners, have charged and

received three dollars per day for their services as bank directors, and have charged and received two dollars per day, for the same days, when engaged upon the business of the Sinking Fund. This has been the custom of their predecessors. The only change has been in adding a further charge of two dollars per day in going and returning to and from the board.

The by-laws of the board of directors of the bank, allows a charge of \$3.00 per day for their services as bank directors, and the law regulating the Sinking Fund, allows \$2.00 per day as commissioners. The five per cent. upon the sale of forfeited lands has always been credited to the Sinking Fund. No part has been withdrawn as a perquisite of the commissioners. This item in said fund now amounts to \$4,379 05. The law regulating the duty of said board, by many is so construed as to allow this five per cent. to be given to the commissioners for their services and responsibility. The committee would suggest the propriety of legislation upon the subject of this per centage.

Another subject in course of the investigation, came to the knowledge of the committee, to which they will advert.

Some time during the past two years, it appears that Mr. Daily, one of the commissioners, purchased some of these tracts of land mortgaged to the Sinking Fund, amounting to some \$1800, at public sale. Though this may not be prohibited by law, and in this instance there may no injury have occurred, and probably did not, as it was declared by Mr. Daily at the sale, that he made the purchases in his own name, at the request of the mortgagors; still, the committee reprobate the practice. The committee think the same policy that prohibits sheriffs and constables purchasing at their own sales, should prohibit the Sinking Fund Commissioners.

The committee having given the subject such consideration as they deem it required, would ask to be discharged.

P. M. PARKS, *Chairman.*

[A]

*General view of the results of the operations of the Sinking Fund, to  
December 1, 1845.*

ASSETS OF THE FUND.

Stock in the State Bank of Indiana,	\$899,054 27
Loans to stockholders, under authority of the charter, - - -	171,896 47
All other loans of the fund, - - -	635,003 62
Balances due from branches, - - -	\$49,435 47
From which the interest for January	



1, 1846, on State bonds with commission and premium will be,	34,826 06	\$14,609 41
Balances due from commissioners,		2,973 64
State's portion of surplus fund in the bank,		161,600 00
Advanced to the State, towards paying the debt of the State, to the bank on internal improvement account, by the redemption of 5 per cent. treasury notes,	\$235,955 00	
Interest allowed in redemption of the same,	19,288 74	
Paid and advanced to the State under acts of January 29, 1841, and February 6, 1841,	76,400 00	
		\$331,643 74
Payments to the State arising from the surplus revenue,		167,424 21
		<u>\$2,384,245 36</u>

## LIABILITIES OF THE FUND.

State's bonds for banking purposes,	\$1,386,000 00
Surplus revenue amount remaining,	108,532 87
To which is to be added the portion of surplus revenue dividend applied to discharge State bonds,	6,000 00
Premium received on sale of State bank bonds,	29,496 92
Saline and bank tax fund,	5,716 27
Excess of bids over amount due on loans forfeited,	859 79
	<u>\$1,536,605 85</u>

Clear increase and profit of the Sinking Fund from the commencement, including the profits on her bank stock, after deducting all expenses,	<u>\$847,639 51</u>
---	---------------------

From the State's portion of the surplus fund in the bank, will be to be deducted her portion of losses in bank, and from the loans of the Sinking Fund, whatever losses may be realized thereon, and to

her profits in the Sinking Fund, will be added the unpaid interest due on the loans of the fund.

By an abstract of all the mortgages of the fund taken by a committee of the Sinking Fund Board in January, 1844, in an examination of the condition of the fund—which abstract is on file in the office of the board, the unpaid balances thereon were found to amount to,

\$705,565 73

Which differed but \$13 79 from the ledger balance of the loans on the same date December 4, 1843,

Which difference in so large a number of mortgages, the committee were unable to ascertain where it arose,

13 79

Making the balance as on the books,

\$705,579 52

Since then loans have been refunded to December 1, 1845, to the amount of

\$114,277 92

Of which the same has been done by a sale of the mortgaged premises on credit to

42,591 72

Leaving the net credit by payment of loans,

\$72,686 20

Losses on loans from sales,

904 00

\$72,590 20

Balance of mortgaged loans,

\$632,989 32

Amount of loans on notes,

2,054 30

Leaving the total amount of loans on December 1, 1845,

\$635,043 62

Corresponding with the amount in the last annual report, the bank stock mortgages, amount to

\$171,896 45

An abstract was also taken by the committee of the board of all expenditures of the Sinking Fund from its commencement, in November, 1834, up to the time of completing and reporting. Classifying the objects of such expenditure with the vouchers, and which abstract has been carried forward to December 1, 1845, the date of the last annual report to the Legislature.



From which abstract it is shown, that the expenditures have been for the following objects:

To commissioners for services and expenses, - - - - -	\$13,607 91
To clerk and assistant, - - - - -	9,330 08
For printing, rent, and all other incidental expenses, - - - - -	\$8,648 17
From which is deducted expenses refunded, - - - - -	986 12

Net incidentals, including 56 cents difference, balance the abstract and ledger amount, - - - - -	7,662 05
	<u>\$30,600 61</u>

Being the amount stated in the report of December 1, 1845, as current expenses, including - - - - -	\$25,673 17
Current expenses for surplus revenue, - - - - -	4,927 42
	<u>\$30,600 61</u>

Such abstract exhibits the other items of expense:

For commission paid to the Merchants' Bank New York, for paying interest on State bonds, - - -	\$2,632 50
For expenses of making State loans for banking purposes, - - - - -	4,799 14
For transporting specie to branches of bank for State capital, - - - - -	3,391 15
For expense of engraving and preparing by the State, the 5 per cent. treasury notes, - - - - -	3,338 47
	<u>\$44,761 87</u>

For payment of interest on the State bonds for banking purposes, in addition to \$73,097 in the Merchants' bank, - - - - -	608,520 00
For interest on the part received of the loan of 1839, - - - - -	589 05
For interest and exchange, - - - - -	27,144 95

Making the total expenditures, - - - \$681,015 87

And corresponding with the amount of such expenditures as reported December 1, 1845, including the difference of 56 cents. The abstract and books above referred to.

The Sinking Fund was created under the 113th section of the

bank charter, and consists of all unapplied balances of the loans of the State, for its bank stocks, and for loans to stockholders, for their capital, the dividends on such stock and interest on all the loans of the fund.

The whole amount of the State's loan, and the premiums received, were drawn by Samuel Merrill, Esq., former President, and charged to him, (except the part of the premium out of which the services and expenses of the Fund Commissioners were paid), and the loan was applied by him to the payment of the bank stock of the State loans to stockholders, and the other loans and appropriations of the board. Part of such loans of the State was appropriated to Robert Morrison and Lucius H. Scott, commissioners, who accounted for the same in loans made by them, and reported to the board, and their accounts, together with Mr. Merrill's, are balanced and closed.

The dividends on the charter computed have been applied as far as necessary, to the payment on the interest on the bank bonds up to the last of July, as the receipts of the Merchants' Bank of New York show, and the remainder was subject to the loans and appropriations of the board.

The dividend on the stock mortgages, is passed semi-annually to the credit of each mortgagee, and he is charged with the accruing interest, and any excess of the dividend over such interest is applied to reduce the principal of the debt.

The interest received is entered with the day of its receipts, posted to every borrower's loan, and the total amount received every month, carried to the credit of interest received, and the office, commissioner, or branch receiving it, or to whose account it is to be carried for adjustment, charged.

[B]

BRANCH BANK,  
Indianapolis, December 23, 1845. }

James P. Drake, Treasurer, Commissioner Sinking Fund, has credit in this bank, on general deposit, two thousand four hundred and thirty-five dollars and thirty-eight cents, subject to his check. And on special deposit \$205, in old scrip, and \$5,00 in green; also, \$163,80 in foreign gold.

THOMAS H. SHARPE, *Cashier.*

On motion by Mr. Howell,

The report was laid upon the table.

Mr. Montgomery moved that 200 copies thereof be printed for the use of the Senate;

Which motion did not prevail.

Mr. Coffin moved to take from the table,



No. 12. A bill (of the Senate) to remove the disability of Francis Lafontaine, Catharine Richardville, La Blond Richardville and Susan Richardville to sell and convey real estate, and to legalize any sales that may have been made by them, or either or any of them, previous to the passage of this act;

Which motion prevailed.

The amendment of the House was then concurred in.

Mr. Ellis moved to take from the table the report of the commissioners of the Lunatic Asylum;

Which motion did not prevail.

Mr. Cuppy, from a select committee, submitted the following report:

MR. PRESIDENT:

The select committee to whom was referred the petitions of sundry citizens of Allen and Whitley counties, praying a charter for a turnpike road from Fort Wayne, Allen county, to Plymouth, Marshall county, have had that subject under consideration, and have directed me to report the following bill in compliance with the prayers of the petitioners, and recommend its passage:

No. 154. A bill to incorporate the Fort Wayne and Plymouth turnpike company;

Which was read a first time;

On motion by Mr. Cuppy,

The rules were suspended, and the bill read a second time, and referred to the committee on corporations.

Mr. Murphey, from a select committee, made the following report:

MR. PRESIDENT:

The select committee to whom was referred sundry petitions of the citizens of Wayne and Henry counties, praying the passage of a law levying a tax on dogs, &c., have had that subject under consideration, and have directed me to report that it is inexpedient to legislate thereon at the present time, and ask to be discharged from the further consideration thereof.

Which report was concurred in.

Mr. Coffin, from a select committee, submitted the following report:

MR. PRESIDENT:

The select committee to whom was referred a bill supplemental to an act for the relief of Nathan Burchfield, have instructed me to report it back and recommend its passage.

On motion by Mr. Lane,  
The bill was laid upon the table.

Leave being granted,

Mr. Berry of Franklin introduced,

No. 155. A bill repealing an act entitled "An act giving further time to assessors;

Which was read a first time;

On motion by Mr. Berry of Franklin,

The rules were suspended, and the bill read a second time, and ordered to be engrossed and read a third time.

Mr. Howell offered the following resolution:

*Resolved*, That when the Senate adjourn, it adjourn until Friday morning, 9 o'clock.

Mr. Ellis moved to lay the resolution upon the table;

Which motion did not prevail.

On the adoption of the resolution,

The ayes and noes being called for by Messrs. Morgan of Decatur, and Howell,

*Those who voted in the affirmative are,*

Messrs. Akin, Allison, Barbour, Berry of Monroe, Bradbury, Chapman of Daviess, Chapman of Laporte, Chenowith, Coffin, Cuppy, English, Hamer, Handy, Hardin, Herriman, Howell, Jackson, Jones, Lane, Montgomery, Moore, Morgan of Rush, Pomeroy, Read, Reyburn, Rockhill, and Zenor—27.

*Those who voted in the negative are,*

Messrs. Berry of Franklin, Bowers, Buell, Conner, Davis, Edmonson, Ellis, Goodenow, Hamrick, Henry, Holloway, Leviston, Logan, Major, Miller, Morgan of Decatur, Murphey, Orth, Parks, Todd, Verbriek, and Wood—22.

So the resolution was adopted.

On motion by Mr. Chapman of Laporte,

The Senate then took up the consideration of bills on their second reading.

No. 15. A bill (of the House) for the relief of purchasers of canal lands lying in the county of Cass;

Read a second time, and referred to the committee on canals and internal improvements.

No. 227. A bill (of the House) to authorize clerks of the circuit court to administer oaths to certain persons therein named;

Read a second time, and referred to the committee on the judiciary.



No. 99. A bill (of the Senate) amendatory of an act relative to masters and apprentices, approved February 11, 1843;  
Read a second time, and referred to the committee on the judiciary.

No. 220. A joint resolution (of the House) on the subject of the reservoir in Mercer county, Ohio;

Read a second time, and referred to the committee on federal relations.

No. 114. A bill (of the Senate) to amend the act relative to the asylum for the education of the deaf and dumb;

Read a second time, and referred to the committee on education.

No. 211. A bill (of the House) to revive, in part, an act therein named, in the county of Dearborn;

Read a second time, and referred to a select committee of Messrs. Buell, Chapman of Daviess, and Allison.

No. 196. A bill (of the House) to extend the provisions of an act therein named, to Madison county;

Read a second time, and referred to a select committee of Messrs. Jackson, English and Lane.

No. 189. A bill (of the House) to provide for the more effectual punishment of certain offences, in the county of Allen;

Read a second time, and referred to the committee on the judiciary.

No. 215. A bill (of the House) to dissolve the bonds of matrimony between Benjamin Rosecrantz and Sarah Ann Rosecrantz, citizens of Perry county;

Read a second time, and ordered to a third reading.

No. 210. A bill (of the House) to amend the 40th chapter of the Revised Statutes of 1843, relative to the serving of process;

Read a second time, and referred to the committee on the judiciary.

No. 199. A bill (of the House) to amend the 73d section in the 15th chapter of the Revised Statutes of 1843;

Read a second time, and referred to the committee on the judiciary.

No. 136. A bill (of the House) to amend section 326, chapter 40, Revised Statutes of 1843;

Read a second time, and referred to the committee on the judiciary.

No. 180. A bill (of the House) for the benefit of the widow and heirs of John Sering of Jefferson county, deceased;

Read a second time, and referred to the committee on the judiciary.

No. 226. A bill (of the House) for the relief of Nathaniel Coal of Warrick county;

Read a second time, and referred to the committee on finance.

No. 133. A bill (of the House) to amend an act entitled "An act

in relation to the proceedings in the probate courts," approved January 13, 1845;

Read a second time, and referred to the committee on the judiciary.

No. 223. A bill (of the House) declaring a mistake in the Revised Statutes of 1843, in relation to the boundaries of Kosciusko and Fulton counties, and for other purposes;

Read a second time, and referred to a select committee of Messrs. Pomeroy, Cuppy and Reyburn.

No. 217. A bill (of the House) for the relief of Barbara Ann May;

Read a second time, and ordered to a third reading.

No. 6. A joint resolution (of the Senate) on the subject of vacant lands in the State of Indiana;

Read a second time, and referred to the committee on federal relations.

No. 124. A bill (of the House) to change the time of summoning petit jurors to appear in the circuit court, for Vigo county, and for other purposes;

Read a second time, and ordered to a third reading.

No. 103. A bill (of the House) to modify the thirtieth section of chapter sixteen, of the Revised Statutes of 1843;

Read a second time and referred to the committee on the judiciary.

No. 197. A bill (of the House) for the relief of the heirs of Michael Ross, deceased;

Read a second time and referred to the committee on the judiciary.

No. 192. A bill (of the House) in relation to supervisors of roads in the counties of Kosciusko and Whitley;

Read a second time and ordered to a third reading.

No. 129. A bill (of the Senate) to vacate sixteen town lots in the town of Harrisonville;

Read a second time and ordered to a third reading.

No. 182. A bill (of the House) to legalize certain deeds therein named;

Read a second time and referred to the committee on the judiciary.

No. 144. A bill (of the House) regulating the duties of county commissioners in this State;

Read a second time and referred to the committee on the judiciary.

No. 128. A bill (of the House) declaring a certain road in Dearborn county a State road;

Read a second time and ordered to a third reading.

No. 98. A bill (of the Senate) prohibiting the sinking fund commissioners from relinquishing mortgaged lands in certain cases;

Read a second time and referred to the committee on finance.

No. 70. A bill (of the Senate) reducing the salary of the auditor of Putnam county;

Read a second time and ordered to a third reading.

No. 212. A bill (of the House) transferring the duties of school



commissioner in Daviess and Martin counties, to the treasurers of said counties;

Read a second time and referred to the committee on education.

No. 127. A bill (of the House) to abolish the office of county auditor in Ohio county;

Read a second time and referred to the committee on finance.

No. 109. A bill (of the House) dissolving the bonds of matrimony between William Martin and Susan Martin, of Warrick county;

Read a second time and ordered to a third reading.

No. 50. A bill (of the House) to amend the first section of article first, chapter forty-two, of the Revised Statutes;

Read a second time and referred to the committee on the judiciary.

No. 120. A bill (of the House) to repeal a certain act therein named;

Read a second time and referred to the committee on the judiciary.

No. 164. A bill (of the House) for the relief of purchasers of school lands in Randolph county;

Read a second time and referred to the committee on education.

No. 153. A bill (of the House) for the relief of Felix Ingoldsby;

Read a second time and referred to the committee on the judiciary.

No. 126. A bill (of the House) to dissolve the bonds of matrimony between Jared S. Ryker and Thursa Ann Ryker, of Jefferson county;

Read a second time and ordered to a third reading.

No. 171. A bill (of the House) to dissolve the bonds of matrimony between Adam Shambrough and Elizabeth Shambrough;

Read a second time and ordered to a third reading.

No. 148. A bill (of the House) for the relief of the widow and children of Jesse Clinger, deceased;

Read a second time and referred to the committee on canals and internal improvements.

No. 83. A bill (of the House) to amend the twenty-ninth and thirtieth chapters of the Revised Statutes of 1843, and to repeal certain provisions therein named;

Read a second time and referred to the committee on the judiciary.

No. 113. A bill (of the Senate) to increase the common school fund;

Read a second time and referred to the committee on education.

No. 128. A bill (of the Senate) in relation to the navigable portion of the Wabash and Erie canal, and to abolish the office of general superintendent thereon;

Read a second time and referred to the committee on canals and internal improvements.

No. 86. A bill (of the House) to authorize the trustees of the Vincennes University to bring suit against the State, and for other purposes;

Read a second time and referred to the committee on the judiciary.

No. 117. A bill (of the Senate) to apportion Senators and Representatives for the next five years;

Read a second time and laid upon the table.

The President laid before the Senate the following communication from the Commissioners of the Lunatic Asylum:

OFFICE LUNATIC ASYLUM,  
Indianapolis, December 30, 1845. }

HON. G. S. ORTH,

*President of the Senate:*

DEAR SIR: You will please notify the Senate that the drawings of the Hospital for the Insane, and other papers on the subject, are at my office, second door east of Browning's Hotel, subject to inspection of members of the Legislature, or its order.

On behalf of Commissioners,

JOHN EVANS.

On motion by Mr. Ellis,

The former report of the Commissioners of the Lunatic Asylum was taken from the table and referred to the committee on finance.

No. 209. A bill (of the House) to extend the provisions of the Revised Statutes of 1843, in relation to roads and highways, to the county of Posey;

Read a second time and ordered to a third reading.

No. 168. A bill (of the House) to punish embezzlement in the same manner that grand larceny is now punishable by law;

Read a second time and referred to the committee on the judiciary.

No. 246. A bill (of the House) to vacate a certain alley in the town of Greencastle;

Read a second time and ordered to a third reading.

No. 151. A bill (of the House) to amend the first article of the fiftieth chapter of the Revised Statutes of 1843;

Read a second time and referred to the committee on the judiciary.

No. 81. A bill (of the House) to provide for the leasing of water power on the Wabash and Erie canal;

Read a second time and referred to the committee on canals and internal improvements.

No. 183. A bill (of the House) to correct the boundary line of Richardville county;

Read a second time and referred to a select committee of Messrs. Major, Conner, and Reyburn.

No. 102. A bill (of the Senate) for the relief of Absolom Paynter, of Henry county;

Read a second time and referred to the committee on claims.

No. 145. A joint resolution (of the House) on the subject of procuring a law by Congress in relation to the sale of congressional townships;

Read a second time and referred to the committee on federal relations.



No. 79. A bill (of the House) to regulate the fees of sheriffs in sales of mortgaged premises;

Read a second time and referred to the committee on the judiciary.

No. 87. A bill (of the House) to amend the law regulating the practice in the eleventh judicial circuit;

Read a second time and laid upon the table.

No. 144. A bill (of the Senate) to amend the law defining congressional townships, their officers, elections, duties, and compensation;

Read a second time and referred to the committee on education.

No. 232. A bill (of the House) to amend an act fixing the time of holding courts in the fifth judicial circuit, approved Jan. 13, 1845;

Read a second time and referred to a select committee of Messrs. Barbour, Handy, Hardin, Todd, Verbrike, Conner, and Jackson.

No. 218. A bill (of the House) to incorporate the Female Seminary of St. Mary's of the Woods, in Vigo county;

Read a second time, and referred to the committee on corporations.

No. 158. A bill (of the House) to establish a certain State road therein named, in Fountain county;

Read a second time, and ordered to a third reading.

No. 237. A bill (of the House) to amend the 65th section of the 54th chapter of the Revised Statutes of 1843;

Read a second time, and referred to the committee on the judiciary.

No. 239. A bill (of the House) to authorize the placing of swinging gates on highways in Dearborn county;

Read a second time, and referred to a select committee of Messrs. Buell, Bowers, and Morgan of Decatur.

No. 235. A bill (of the House) extending the time of holding probate courts in Shelby county;

Read a second time, and ordered to a third reading.

No. 110. A bill (of the House) to authorize a reappraisement and sale of school lands in this State;

Read a second time, and referred to the committee on education.

No. 264. A bill (of the House) for the relief of John Johnson, of Laporte county;

Read a second time, and ordered to a third reading.

No. 190. A bill (of the House) to regulate the time of holding circuit courts in the county of Tippecanoe;

Read a second time, and laid upon the table.

No. 194. A bill (of the House) to extend the terms of the board doing county business in the county of Tippecanoe;

Read a second time, and ordered to a third reading.

No. 9. A joint resolution (of the Senate) on the subject of liens on real estate;

Read a second time, and referred to the committee on the judiciary.

No. 131. A bill (of the Senate) to amend an act entitled "An act regulating the fees and salaries of the several officers and persons therein named," approved February 7, 1831;

Read a second time, and referred to the committee on finance.

No. 185. A bill (of the House) to amend an act therein named;

Read a second time, and referred to the committee on the judiciary.

No. 243. A bill (of the House) in relation to the probate courts of Henry county;

Read a second time, and referred to the committee on the judiciary;

No. 241. A bill (of the House) for the relief of the citizens of district No. 3, in congressional township No. 28, north of range 3 east, in Adams township, Cass county;

Read a second time, and referred to the committee on education.

No. 214. A bill (of the House) to change the mode of working roads in Rush county;

Read a second time, and ordered to a third reading.

No. 173. A bill (of the House) declaring a certain road therein named a State road;

Read a second time, and ordered to a third reading.

No. 222. A bill (of the Senate) providing for the election of an additional justice of the peace in Union township, Montgomery county;

Read a second time, and ordered to a third reading.

No. 193. A bill (of the House) authorizing Rhoda Butler to mortgage certain real estate;

Read a second time, and referred to the committee on the judiciary.

No. 221. A bill (of the House) prescribing the mode of advertising sales of lands mortgaged to the sinking fund;

Read a second time, and referred to the committee on the State Bank.

No. 175. A bill (of the House) to dissolve the bonds of matrimony between Frederick Hartsell and Rosanna Hartsell;

Read a second time, and ordered to a third reading.

No. 177. A bill (of the House) for the relief of James Rutherford;

Read a second time, and ordered to a third reading.

No. 174. A bill (of the House) to survey and locate a State road from Robinson's ferry on White river, in Daviess county, to Harrisonville, in Martin county;

Read a second time, and ordered to a third reading.

No. 186. A bill (of the House) to reduce the fees of the recorder of Johnson county;

Read a second time, and ordered to a third reading.

No. 206. A bill (of the House) changing the time of holding probate courts in Cass county;

Read a second time, and ordered to a third reading.



No. 152. A bill (of the House) to amend article 5th of chapter 40, of the Revised Statutes of 1843;

Read a second time, and referred to the committee on the judiciary.

No. 73. A bill (of the House) to provide for the reappraisement of real estate heretofore appraised and subject to taxation;

Read a second time, and laid upon the table.

On motion,

The Senate adjourned.

FRIDAY MORNING, JAN. 2, 1846.

The Senate assembled.

The Journal of the preceding day having been read;

The President laid before the Senate the following communication from the Auditor of State, in reply to a resolution of the Senate:

AUDITOR OF STATE'S OFFICE, }  
December 31, 1845.

HON. GODLOVE S. ORTH,

President of the Senate:

SIR—The following resolution of the Senate, adopted on the 27th inst., has been received:

"Resolved, That the Auditor of State communicate to the Senate the following information as soon as practicable, to-wit:

*First.* The amount of bonds issued on account of the Wabash and Erie canal east of Tippecanoe.

*"Second.* The amount of interest in arrears on the same.

*"Third.* The amount of interest on the coupons that have fallen due attached to said bonds.

*"Fourth.* The amount of funds or assets that were irrevocably pledged and appropriated by the act under which said loan was contracted to meet the same, now remaining on hand, or which may at any time become available.

*"First.* The lands donated by the United States for the construction of said canal remaining unsold, and the value thereof.

*"Second.* The amount due on account of the sales of said lands, and the condition of said arrears.

*"Third.* Also the amount of land scrip issued for the construction of the canal west of Tippecanoe, which has been received for tolls, and the value of the same, as well as all other resources, and the value of the same, to meet said bonds first above referred to.

*"Fifth.* That the above enquiries be extended to the several works of internal improvement embraced in the system of 1835-6."

In reply to this resolution, I have the honor to submit the following statements:

*First.* The amount of bonds issued on account of the Wabash and Erie canal east of Tippecanoe river was \$1,727,000

*Second.* The amount of interest in arrears on the same is as follows, to-wit:

On \$100,000 at 6 per cent., for five years,	\$30,000
On \$1,627,000 at 5 per cent., for five years,	406,750

Total,	<u>\$436,750</u>
--------	------------------

*Third.* The amount of interest due on the coupons attached to said bonds is \$72,063 75

*Fourth.* The number of acres of land donated by the General Government to aid the State in the construction of the Wabash and Erie canal east of Tippecanoe river was \$49,260.90  
Of which there have been sold to Nov. 30, 1845, 345,567.40

Balance unsold November 30, 1845,	<u>3,693.50</u>
-----------------------------------	-----------------

At \$3 50 per acre, (being the average rate of appraisal,) the lands unsold would be worth \$12,927

The amount for which the lands east of Tippecanoe river were sold is	\$846,467 92
Of which there has been paid, to November 30, 1845, the sum of	<u>473,652 56</u>

Which would leave the amount of principal still due,	<u>\$372,815 36</u>
--	---------------------

The amount which has been received on account of interest on sales of lands to Nov. 30, 1845, is \$244,313 02



The amount received for principal *and* interest is \$717,965 58

The amount of interest in arrears, cannot, in the short time allowed me to answer the resolution, be stated with accuracy; but from examinations made heretofore, of the interest accounts of the purchasers, I would suppose that at least \$20,000 are now due. Should proper provision be made for the re-sale of all lands upon which the purchasers have failed to pay interest, it is presumed that nothing will be eventually lost to the fund.

The amount of scrip issued for the construction of the Wabash and Erie canal, west of Tippecanoe, which has been received on account of tolls and water rents on the western division, (worth forty cents on the dollar,) is \$202,366

The following statements, the most of which have heretofore been submitted to the Senate, in reply to a former resolution, will show the amount expended on the several works of internal improvement in this State, together with the interest due on account of each work, as nearly as can be ascertained, and also the proceeds of the same paid into the treasury:

#### WHITE WATER CANAL.

The amount expended on this work to November 1, 1845, was \$1,102,077 54  
 The amount received to same date was 9,902 41  
 Excess of expenditures over receipts, \$1,092,175 13

#### MADISON AND INDIANAPOLIS RAILROAD.

The amount expended on this work to November 1, 1845, was \$1,624,603 05  
 The amount received (including \$8,198 31 invested in stock in the Madison and Indianapolis Railroad Company) was 71,380 68  
 Excess of expenditures over receipts, \$1,553,222 37

#### NEW ALBANY AND VINCENNES ROAD.

The amount expended on this work to November 1, 1845, was \$686,767 99

The amount received to same date was 17,562 86  
 Excess of expenditures over receipts, \$669,205 13

#### CENTRAL CANAL—NORTHERN AND SOUTHERN DIVISIONS.

The amount expended on this work to November 1, 1845, was \$1,423,841 14  
 The amount received was 10,335 33  
 Excess of expenditures over receipts, \$1,413,505 81

#### WABASH AND ERIE CANAL—EAST OF TIPPECANOE.

The amount expended on this work to November 1, 1845, was \$2,762,359 22  
 The amount received to same date, from sales of lands, tolls, water rents, &c., was 952,253 99  
 Excess of expenditures over receipts \$1,810,105 23

#### WABASH AND ERIE CANAL—WEST OF TIPPECANOE.

The amount expended on this work to November 1, 1845, was \$1,074,750 91  
 The amount received to same date was 369,062 23  
 Excess of expenditures over receipts \$705,688 68

#### JEFFERSONVILLE AND CRAWFORDSVILLE ROAD.

The amount expended on this work to November 1, 1845, was \$336,945 13  
 No receipts.

#### ERIE AND MICHIGAN CANAL.

The amount expended on this work to November 1, 1845, was \$155,449 10  
 No receipts.



## CROSS-CUT CANAL.

The amount expended on this work to November  
1, 1845, was - - - - - \$436,031 82

No receipts.

## LAFAYETTE AND INDIANAPOLIS ROAD.

The amount expended on this work to November  
1, 1845, was - - - - - \$73,143 87

No receipts.

## IMPROVEMENT OF THE WABASH RAPIDS.

The amount expended on this work to November  
1, 1845, was - - - - - \$14,288 42

No receipts.

The amount of bonds issued for internal improve-  
ment purposes, under the act of January 27th,  
1836, as appears from tabular statement No. 1,  
appended to the last annual report from this  
office, is - - - - - \$8,900,000 00

The amount of State bonds issued on account of  
the Madison and Indianapolis railroad, under the  
act of February 6, 1839, as appears from tabu-  
lar statement No. 2, appended to the last annual  
report from this office, is - - - - - 456,000 00

Total, - - - - - \$9,356,000 00

The amount of interest in arrears on the foregoing  
amount is, - - - - - \$2,335,000 00

For the reasons assigned in a former report, it is impossible to  
state, with accuracy, what amount of interest should be charged to  
each work embraced in the system of 1835-6; but according to the  
mode of computation adopted in that report, the following amounts  
should be charged to the works respectively:

To the White Water canal, - - - - - \$273,518

To the Madison and Indianapolis railroad, - - -	388,980
To the New Albany and Vincennes road, - - -	167,592
To the Central canal, - - - - -	353,900
To the Wabash and Erie canal, east, (being the amount due on \$1,727,000 of bonds), - - -	436,750
To the Wabash and Erie canal, west, (being the amount due on \$327,183 92, expended on this work to March 1, 1842, when operations were commenced by paying out scrip), - - -	81,938
To the Jeffersonville and Crawfordsville road, - - -	84,382
To the Erie and Michigan canal, - - - - -	38,929
To the Cross-Cut canal, - - - - -	109,197
To the Lafayette and Crawfordsville road, - - -	18,317
To the improvement of the Wabash Rapids, - - -	3,578

Amount of interest due on the coupons attached to  
the bonds sold for internal improvement purpo-  
ses is - - - - - \$385,935

The amount received for tolls and water rents on the several  
works mentioned in the resolution, is as follows:

On the White Water canal, - - - - -	\$9,902 41
On the Madison and Indianapolis railroad, - - -	71,380 68
On the New Albany and Vincennes road, - - -	17,563 86
On the Central canal, - - - - -	10,335 33
On the Wabash and Erie canal to Dec. 25, 1845, -	229,224 09

The other works have yielded nothing to the State.

Respectfully submitted.

HORATIO J. HARRIS,

*Auditor of State.*

On motion by Mr. Allison,  
The communication was laid upon the table, and 100 copies  
thereof ordered to be printed for the use of the Senate.

Mr. Akin presented the petition of sundry citizens of Clay coun-  
ty, on the subject of a divorce.

On motion by Mr. Akin,  
The petition was referred to a select committee of Messrs. Akin,  
Logan, and Read.

Mr. Pomeroy presented the petition of Sarah Gregory, of Laporte  
county, on the subject of a divorce.

On motion of Mr. Pomeroy,  
The petition was referred to a select committee of Messrs. Pome-  
roy, Chapman of Laporte, and Reyburn.

Mr. Howell presented the petition of William Jones and others,



on the subject of releasing William Starks from the payment of taxes.

On motion by Mr. Howell,

The petition was referred to a select committee of Messrs. Howell, Lane, and Jackson.

Mr. Akin, chairman of the committee on finance, submitted the following report:

MR. PRESIDENT:

The committee on finance to whom was referred bill (of the House) No. 127, entitled "A bill to abolish the office of county auditor, in Ohio county," have had the same under consideration, and have instructed me to report it back to the Senate, and recommend its passage.

On motion by Mr. Edmonson,

The bill was then laid upon the table.

Mr. Akin, chairman of the committee on finance, submitted the following report:

MR. PRESIDENT:

The committee on finance to whom was referred bill (of the Senate,) No. 98, entitled "A bill to prohibit the sinking fund commissioners from relinquishing mortgaged lands in certain cases," have considered the same, and instruct me to report it back and recommend its passage.

The bill was then ordered to a third reading on to-morrow.

Mr. Barbour, from the committee on finance, submitted the following report:

MR. PRESIDENT:

The committee on finance to whom was referred bill (of the Senate) No. 85, entitled "A bill to amend the 15th section of chapter 10, of the Revised Statutes of 1843," with instructions "to enquire into the constitutionality of the provisions of said bill," have had the same under consideration, and have directed me to report, that in the judgment of the committee some of the provisions of said bill are unconstitutional, and they *earnestly* beg to be discharged from any further consideration of that subject.

On the question,

"Shall the bill be engrossed for a third reading?"

The ayes and noes were called for by Messrs. Morgan of Decatur, and Berry of Franklin, and,

*Those who voted in the affirmative are,*

Messrs. Berry of Franklin, Berry of Monroe, Bowers, Bradbury, Chenowith, Coffin, Cuppy, Edmonson, English, Hamer, Handy, Henry, Herriman, Major, Moore, Morgan of Rush, Parks, Rockhill, Verbrike, Wood, and Zenor—21.

*Those who voted in the negative are,*

Messrs. Akin, Allison, Barbour, Chapman of Daviess, Chapman of Laporte, Conner, Davis, Ellis, Goodenow, Hamrick, Hardin, Holloway, Howell, Jackson, Jones, Lane, Leviston, Logan, Miller, Montgomery, Morgan of Decatur, Murphey, Orth, Pomeroy, Read, Reynburn, and Todd—27.

So the bill was not ordered to be engrossed.

Leave being granted,

Mr. Morgan of Decatur, introduced,

No. 156. A bill to amend an act therein named;

Which was read a first time.

On motion of Mr. Morgan of Decatur,

The rules were suspended, and the bill read a second time.

Mr. Chapman of Laporte, moved to amend the bill by providing that said corporation shall not issue bonds of a less denomination than \$500;

Pending which,

On motion by Mr. Barbour,

The bill and pending amendment were referred to the committee on corporations.

Mr. Akin, chairman of the committee on finance, submitted the following report:

MR. PRESIDENT:

The committee on finance to whom was referred the petition of sundry citizens of Hamilton county, praying a change in the mode of collecting the revenue, have had the subject under consideration, and have directed me to report, that in the opinion of the committee, it is inexpedient to legislate on the subject.

Which report was concurred in.

Mr. Pomeroy, from the committee on finance, submitted the following report:

MR. PRESIDENT:

The committee on finance to whom was referred bill No. 131, (of the Senate) "An act to amend an act entitled an act regulating



the fees and salaries of the several officers and persons therein named," approved February 7th, 1831," have had the same under consideration, and instructed me to report the same back to the Senate, and, with one amendment, recommend its passage.

"Amend by striking out so much of said bill as relates to sheriffs' fees;"

Which report was concurred in.

Mr. Howell then moved to lay the bill upon the table;

Which motion did not prevail.

The bill was then ordered to be engrossed, and read a third time on to-morrow.

Mr. Akin, chairman of the committee on finance, submitted the following report:

MR. PRESIDENT:

The committee on finance to whom was referred bill (of the House) No. 129, entitled "A bill in relation to county orders," have considered the same, and instruct me to report it back to the Senate and recommend its indefinite postponement, and ask to be discharged from the further consideration thereof.

Which report was concurred in.

Mr. Akin, chairman of the committee on finance, submitted the following report:

MR. PRESIDENT:

The committee on finance to whom was referred bill (of the House) No. 226, entitled "A bill for the relief of Nathaniel Coal, of Warrick county," have had the same under consideration, and have instructed me to report it back to the Senate, and recommend its passage.

The bill was ordered to a third reading.

Mr. Chapman of Laporte, chairman of the committee on the judiciary, submitted the following report:

MR. PRESIDENT:

The committee on the judiciary to whom was referred bill (of the House of Representatives) No. 168, "A bill to punish embezzlement in the same manner that grand larceny is now punishable by law," have had the same under consideration, and have directed me to report it back, and recommend its indefinite postponement.

Which report was concurred in.

Mr. Chapman of Laporte, chairman of the committee on the judiciary, submitted the following report:

MR. PRESIDENT:

The committee on the judiciary to whom was referred bill (of the House of Representatives) No. 227, "A bill to authorize clerks of the circuit courts to administer oaths to certain persons therein named," have had the same under consideration, and have directed me to report it back and recommend its indefinite postponement.

Which report was concurred in.

Mr. Chapman of Laporte, chairman of the committee on the judiciary, submitted the following report:

MR. PRESIDENT:

The committee on the judiciary to whom was referred bill (of the Senate) No. 99, "A bill amendatory to an act relative to masters and apprentices, approved February 11, 1843," have had the same under consideration, and have directed me to report the same back and recommend its indefinite postponement.

Mr. Miller moved to re-commit said bill to the judiciary committee, with instructions to provide that each child shall receive three months schooling in arithmetic;

Which motion did not prevail.

The question then recurring upon concurring in the report of the committee,

The ayes and noes were called for by Messrs. Ellis and Herriman, and,

*Those who voted in the affirmative are,*

Messrs. Allison, Barbour, Berry of Monroe, Chapman of Daviess, Chapman of Laporte, Coffin, Conner, Cuppy, Davis, Edmonson, Goodenow, Hamer, Hamrick, Hardin, Jackson, Jones, Leviston, Logan, Major, Miller, Montgomery, Moore, Morgan of Decatur, Murphey, Orth, Parks, Pomeroy, Verbribe, Wood, and Zenor—31.

*Those who voted in the negative are,*

Messrs. Akin, Bowers, Bradbury, Chenowith, Ellis, English, Handy, Henry, Herriman, Holloway, Howell, Morgan of Rush, Read, Rockhill, and Todd—15.

So the report was concurred in.

45 S



Mr. Pomeroy, from the committee on the judiciary, submitted the following report:

MR. PRESIDENT:

The committee on the judiciary to whom was referred bill No. 199, (of the House of Representatives) "An act to amend the 73d section, in the 15th chapter of the Revised Statutes of 1843," in regard to all electors voting at school meetings, have had the same under consideration, and after a careful examination and mature deliberation upon the same, have instructed me to report the same back to the Senate, and recommend its indefinite postponement.

Which report was concurred in.

Mr. Pomeroy, from the committee on the judiciary, submitted the following report:

MR. PRESIDENT:

The committee on the judiciary to whom was referred bill No. 120, (of the House of Representatives) "An act to repeal a certain act therein named," in regard to county maps, have had the same under consideration, and instructed me to report the same back, and recommend the indefinite postponement of the bill.

Which report was concurred in.

Mr. Barbour, from the committee on the judiciary, submitted the following report:

MR. PRESIDENT:

The committee on the judiciary to whom was referred bill (of the House) No. 144, entitled "A bill regulating the duties of county commissioners in this State," have had the same under consideration and have directed me to report it back to the Senate, and recommend its indefinite postponement.

Which report was concurred in.

Mr. Barbour, from the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary to whom was referred bill No. 151, (of the House) entitled "A bill to amend the 1st article of the 50th chapter of the Revised Statutes of 1843," have had the same under consideration, and have directed me to report, that they deem

it inexpedient to legislate on that subject, and recommend that said bill be indefinitely postponed.

Which report was concurred in.

Mr. Ellis, from the committee on the judiciary, submitted the following report:

MR. PRESIDENT:

The committee on the judiciary to whom had been referred (House) bill No. 50, "To amend the 1st section of article 1st, chapter 42, of the Revised Statutes," after having the same under consideration, have instructed me to report the same back to the Senate, and recommend that the same be indefinitely postponed.

Which report was concurred in.

Mr. Davis, from the committee on the judiciary, submitted the following report:

MR. PRESIDENT:

The judiciary committee to whom was referred bill (of the House) No. 182, legalizing certain deeds therein named, have had the same under consideration, and have instructed me to report the same back to the Senate and recommend its indefinite postponement.

Which report was not concurred in.

On motion by Mr. Miller,

The bill was then re-committed to a select committee of Messrs. Miller, Hardin, and Murphey.

Mr. Henry, from the committee on the judiciary, submitted the following report:

MR. PRESIDENT:

The judiciary committee to whom was referred bill (of the House) No. 103, "An act to modify the 30th section, chapter 16, of the Revised Statutes," have had the same under consideration, and directed me to report said bill back, and recommend its indefinite postponement.

On concurring in said report,

The ayes and noes being called for by Messrs. Handy and Verbrake,



*Those who voted in the affirmative are,*

Messrs. Akin, Allison, Barbour, Chapman of Laporte, Chenowith, Conner, Cuppy, Davis, Edmonson, Ellis, Hamer, Henry, Herriman, Jackson, Jones, Logan, Major, Morgan of Rush, Orth, Pomeroy, Reyburn, Rockhill, Todd, and Wood—24.

*Those who voted in the negative are,*

Messrs. Berry of Franklin, Berry of Monroe, Bowers, Bradbury, Chapman of Daviess, Coffin, English, Goodenow, Hamrick, Handy, Hardin, Holloway, Howell, Leviston, Miller, Moore, Morgan of Decatur, Murphey, Parks, Read, Verbriek, and Zenor—21.

So the report was concurred in.

The following communication from his Excellency the Governor, was received by Mr. Powers:

MR. PRESIDENT:

I am directed by his Excellency the Governor to inform the Senate that on the 31st day of December, A. D. 1845, he approved and signed,

No. 3. A joint resolution upon the subject of overflowed public lands;

Which originated in the Senate.

Mr. Henry, from the committee on the judiciary, submitted the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred so much of the Governor's message as relates to the reduction of taxes in the several counties of this State, have had said resolution under consideration, and they have directed me to report the said resolution back to the Senate, and recommend its reference to the committee on finance.

Which report was concurred in.

Mr. Henry, from the committee on the judiciary, submitted the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred bill (of the House) No. 185, entitled, "An act to amend an act therein named"; said act proposes to repeal the law allowing auditors twelve

and a half cents fee, in certain cases, so far as it relates to Ripley county, have had the same under consideration, and directed me to report it back to the Senate and recommend its indefinite postponement.

Which report was not concurred in.

On motion by Mr. Howell,

The bill was amended by extending the provisions thereof to Spencer county.

The bill was then ordered to a third reading.

Mr. Henry, from the committee on the judiciary, submitted the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred bill (of the House) No. 177, "An act for the relief of James Rutherford," have had the same under consideration, and have directed me to report the said bill back to the Senate and recommend its passage.

The bill was then read a third time, the rules being suspended, and passed.

Mr. Murphey, from the committee on the judiciary, submitted the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred bill No. 189, of the House, entitled, "An act to provide for the more effectual punishment of certain offences in the county of Allen," have had the same under consideration, and have directed me to report the same back to the Senate, and recommend its indefinite postponement.

On motion by Mr. Rockhill,

The bill and report were laid upon the table.

Mr. Logan, from the committee on the judiciary, submitted the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred bill of the House No. 133, entitled, "A bill to amend an act entitled, 'An act in relation to the proceedings in the probate courts,' approved January 13, 1845," have had the same under consideration, and have directed me to report the same back to the Senate, and recommend its indefinite postponement.

Which report was concurred in.



Mr. Ellis, from the committee on the judiciary, submitted the following report:

MR. PRESIDENT:

The committee on the judiciary, to which had been referred House bill No. 193, "To authorize Rhoda Butler to mortgage certain real estate," after having the same under consideration, have instructed me to report the same back to the Senate, with the following amendment, and recommend its passage:

Amend as follows:

Strike out all after the enacting clause, in the first section, and insert in lieu thereof the following:

"That the time of payment of the amount due on said forfeited mortgage, may be extended for the benefit of said heirs, to the term of five years, upon the payment of interest as provided by law; and provided the security shall be deemed sufficient by the auditor of said county of Hancock.

And further, that the title be amended to suit the foregoing amendment, to-wit:

"A bill to extend the time of payment of a certain mortgage therein named."

Which report was concurred in, and the bill was ordered to a third reading.

Mr. Chapman of Laporte, chairman of the committee on the judiciary, submitted the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred bill of the House of Representatives No. 136, "A bill to amend section 326, chapter forty, Revised Statutes of 1843," have had the same under consideration, and have directed me to report the same back, with a new title, and recommend the passage of the bill and the adoption of the following as the title thereto:

"A bill in relation to written charges to juries."

Which report was concurred in.

The bill was then ordered to a third reading.

Mr. Chapman of Laporte, chairman of the committee on the judiciary, submitted the following report:

MR. PRESIDENT:

The committee on the judiciary to whom was referred bill of the House of Representatives, No. 153, "A bill for the relief of Felix

Ingoldsby," have had the same under consideration, and have directed me to report the same back and recommend its passage.

The bill was then ordered to a third reading.

Mr. Chapman of Laporte, chairman of the committee on the judiciary, submitted the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred a resolution of the Senate in relation to the duties of the board of sinking fund commissioners, have had the same under consideration, and have directed me to report the following bill, and recommend its passage.

No. 157. A bill in relation to the duties of the sinking fund commissioners;

Which was read a first time, and ordered to a second reading.

Mr. Chapman of Laporte, chairman of the committee on the judiciary, submitted the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred a resolution of the Senate instructing them to enquire into the expediency of changing and modifying the appraisement laws, have had the same under consideration, and have directed me to report the following bill and recommend its passage:

No. 158. A bill in relation to the sale of property, on execution; Which was read a first time, and ordered to a second reading.

Mr. Chapman of Laporte, chairman of the committee on the judiciary, submitted the following report:

MR. PRESIDENT:

The committee on the judiciary to whom was referred bill (of the Senate) No. 25, "A bill to repeal the 18th section of chapter 4, Revised Statutes of 1843, and amend the 73d section of the 4th article of chapter 7, of same statute," have had the same under consideration, and have directed me to report the following, as a substitute, and recommend its passage.

No. 25. A bill in relation to county treasurers; Which report was concurred in.

The bill was then ordered to be engrossed for a third reading.



The Senate then proceeded to the consideration of the orders of the day.

SENATE BILLS ON THEIR THIRD READING.

No. 67. A bill to apportion Senators and Representatives for the next five years;

Read a third time.

Mr. Handy moved to commit the bill to a select committee, with instructions to amend the bill so that Marion county shall have two Representatives, and two additional ones in the five years, and Shelby one Representative, and one additional one in five years;

Which motion did not prevail.

Mr. Henry moved to refer the bill to a select committee, with instructions to strike out that part of the third section of said bill which relates to the counties of Switzerland and Ohio, and provide that said counties shall each elect one Representative;

Which motion did not prevail.

The question then recurring upon the passage of the bill,

The ayes and noes were called for by Messrs. Akin and Davis.

*Those who voted in the affirmative are,*

Messrs. Berry of Franklin, Berry of Monroe, Bowers, Chapman of Daviess, Conner, Edmonson, Ellis, English, Hamrick, Howell, Jones, Lane, Leviston, Logan, Major, Montgomery, Moore, Morgan of Decatur, Morgan of Rush, Murphey, Orth, Pomeroy, Read, Reyburn, Todd, Verbrike, and Wood—27.

*Those who voted in the negative are,*

Messrs. Akin, Allison, Barbour, Bradbury, Buell, Chapman of Laporte, Chenowith, Coffin, Cuppy, Davis, Goodenow, Hamer, Handy, Hardin, Herriman, Henry, Holloway, Jackson, Miller, Parks, Rockhill, and Zenor—22.

So the bill was passed.

No. 71. A bill to incorporate the Crawfordsville and Wabash railroad company;

Read a third time and passed.

No. 142. A bill (of the House) changing the time of holding circuit and probate courts in Clark county;

Read a third time.

On motion by Mr. Davis,

The bill was laid upon the table.

No. 46. A bill repealing the law allowing certain fees to county auditors;

Read a third time and passed.

No. 137. A bill to revive and amend a certain act therein named;

Read a third time and passed.

No. 129. A bill to vacate sixteen town lots in Harrisonville;

Read a third time and passed.

No. 106. A bill abolishing the road tax in the county of Daviess;

Read a third time and passed.

No. 75. A bill in relation to the northern division of the Central canal;

Read a third time and passed.

No. 76. A bill to amend an act relative to the school fund in Lagrange county;

Read a third time and passed.

No. 89. A bill in relation to the Wabash and Erie canal lands;

Read a third time and passed.

No. 93. A bill relative to the water power at Northport, in Noble county;

Mr. Ellis moved to refer the bill to a select committee, with the following instructions:

Amend, by adding at the close of the third section,

"Provided that the amount thus drawn from the Treasurer does not exceed the sum of five thousand dollars";

Which motion prevailed, and the bill was referred to a select committee of Messrs. Ellis, Herriman, and Rockhill.

No. 148. A bill to provide for the distribution of certain public documents;

Read a third time and passed.

No. 70. A bill reducing the salary of the auditor of Putnam county;

Read a third time and passed.

No. 126. A bill for the relief of Martin Fitzpatrick, of Daviess county;

Read a third time and passed.

No. 109. A bill in relation to county auditors;

Read a third time and passed.

No. 155. A bill to repeal an act entitled, "An act giving further time to assessors";

Read a third time.

On motion by Mr. Berry of Franklin,

The bill was laid upon the table.

No. 149. A bill for the relief of Survilar Jane Neal, late Eudaly.

On the question,

"Shall the bill be engrossed for a third reading?"

The ayes and noes were called for by Messrs. Chapman of Laporte and Todd.

*Those who voted in the affirmative are,*

Messrs. Akin, Berry of Franklin, Berry of Monroe, Chapman of Daviess, Chapman of Laporte, Coffin, Conner, Cuppy, Davis, Edmonson, English, Handy, Hardin, Herriman, Howell, Jackson,



Lane, Leviston, Major, Miller, Montgomery, Parks, Pomeroy, Read, Todd, and Wood—26.

*Those who voted in the negative are,*

Messrs. Allison, Barbour, Bowers, Bradbury, Buell, Chenowith, Ellis, Goodenow, Hamer, Hamrick, Henry, Holloway, Jones, Logan, Moore, Morgan of Decatur, Morgan of Rush, Murphey, Orth, Reyburn, Rockhill, Verbriek, and Zenor—23.

So the bill was ordered to be engrossed.

#### BILLS OF THE SENATE ON THEIR SECOND READING.

No. 153. A bill fixing a certain annual compensation to the auditor of Boone county;

Read a second time and ordered to a third reading.

No. 152. A bill to divorce Cynthia Devault from William Devault, her husband; and, also, Clista Ann Huffman, from her husband, Jacob Huffman;

Read a second time.

On the question,

"Shall the bill be engrossed for a third reading?"

The ayes and noes were called for by Messrs. Morgan of Decatur and Murphey.

*Those who voted in the affirmative are,*

Messrs. Akin, Berry of Franklin, Berry of Monroe, Chapman of Daviess, Chapman of Laporte, Coffin, Conner, Cuppy, Davis, Edmonson, English, Hamrick, Handy, Hardin, Henry, Herriman, Howell, Jackson, Lane, Leviston, Major, Miller, Montgomery, Parks, Pomeroy, Read, Rockhill, Todd, and Wood—28.

*Those who voted in the negative are,*

Messrs. Allison, Bradbury, Buell, Chenowith, Ellis, Goodenow, Hamer, Holloway, Jones, Logan, Morgan of Decatur, Morgan of Rush, Murphey, Orth, Reyburn, Verbriek, and Zenor—17.

So the bill was ordered to be engrossed.

No. 150. A bill in relation to the bridge over White river on the Michigan road, in Marion county;

Read a second time and ordered to be engrossed for a third reading.

No. 146. A bill to change the location of the feeder dam on Sugar creek, in Parke county;

Read a second time and ordered to be engrossed for a third reading.

No. 147. A bill for the relief of Owen McMannis, of Martin county;

Read a second time.

Mr. Davis moved to amend the bill by providing that said McMannis shall be paid out of any moneys not otherwise appropriated. Which amendment was adopted.

The bill was then ordered to be engrossed for a third reading.

#### BILLS OF THE HOUSE ON THEIR THIRD READING.

No. 128. A bill declaring a certain road in the county of Dearborn a State road;

Read a third time and passed.

No. 68. A bill to amend section 175, chapter 47, of the Revised Statutes of 1843, relative to costs in appeals from justices of the peace;

Read a third time.

The question on the passage of the bill was decided in the negative.

No. 192. A bill in relation to supervisors of roads in the counties of Kosciusko and Whitley;

Read a third time and passed.

No. 150. A bill for the relief of the borrowers of the school funds loaned in the several counties;

Read a third time, and,

On motion by Mr. Allison,

Laid upon the table.

No. 135. A bill for the relief of William J. Chaplin;

Read a third time.

On the passage of the bill,

The ayes and noes being called for by Messrs. Morgan of Decatur and Cuppy,

*Those who voted in the affirmative are,*

Messrs. Akin, Berry of Franklin, Berry of Monroe, Chapman of Daviess, Chapman of Laporte, Coffin, Cuppy, Edmonson, English, Handy, Hardin, Henry, Herriman, Howell, Jackson, Lane, Leviston, Major, Miller, Montgomery, Pomeroy, Read, Rockhill, and Wood—24.

*Those who voted in the negative are,*

Messrs. Allison, Barbour, Bowers, Bradbury, Buell, Chenowith, Conner, Ellis, Goodenow, Hamer, Hamrick, Holloway, Jones, Logan, Moore, Morgan of Decatur, Morgan of Rush, Murphey, Orth, Parks, Reyburn, Todd, Verbriek, and Zenor—24.



So the bill was not passed.

Mr. Ellis moved to reconsider the vote just taken refusing to pass the bill;

The ayes and noes being called for by Messrs. Chapman of Laporte and Barbour,

*Those who voted in the affirmative are,*

Messrs. Akin, Barbour, Berry of Franklin, Berry of Monroe, Chapman of Daviess, Chapman of Laporte, Coffin, Cuppy, Edmonson, Ellis, English, Handy, Hardin, Henry, Herriman, Howell, Jackson, Lane, Leviston, Major, Miller, Montgomery, Parks, Pomeroy, Read, Rockhill, and Wood—27.

*Those who voted in the negative are,*

Messrs. Allison, Bowers, Bradbury, Buell, Chenowith, Conner, Goodenow, Hamer, Hamrick, Holloway, Logan, Moore, Morgan of Decatur, Morgan of Rush, Murphey, Orth, Reyburn, Todd, Verbrike, and Zenor—20.

So the vote was reconsidered.

The question then recurring upon the passage of the bill,

The ayes and noes were called for by Messrs. Murphey and Cuppy; and,

*Those who voted in the affirmative are,*

Messrs. Akin, Berry of Franklin, Berry of Monroe, Chapman of Daviess, Chapman of Laporte, Coffin, Conner, Cuppy, Edmonson, English, Handy, Hardin, Henry, Herriman, Howell, Jackson, Lane, Leviston, Major, Miller, Montgomery, Pomeroy, Read, Rockhill, and Wood—25.

*Those who voted in the negative are,*

Messrs. Allison, Bradbury, Buell, Chenowith, Ellis, Goodenow, Hamer, Hamrick, Holloway, Logan, Moore, Morgan of Decatur, Morgan of Rush, Murphey, Orth, Reyburn, Todd, Verbrike, and Zenor—19.

So the bill was passed.

On motion,

The Senate adjourned.

SATURDAY MORNING, JAN. 3, 1846.

The Senate assembled.

The Journal of the preceding day was read.

Mr. Wood presented the remonstrance of sundry citizens of the city of Indianapolis, against a change in the charter of said city.

On motion by Mr. Hardin,

The petition was referred to the select committee having that subject under consideration.

Mr. Bowers presented the petition of sundry citizens of Ripley and Dearborn counties, in relation to a State road therein named;

On motion by Mr. Bowers,

The petition was referred to a select committee of Messrs. Bowers, Buell and Murphey.

Mr. Logan, from the committee on the judiciary, submitted the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred bill of the House No. 83, entitled, "An act to amend the 29th and 30th chapters of the Revised Statutes of 1843, and to repeal certain provisions therein named," have, according to order, had the same under consideration, and have directed me to report the same back to the Senate and recommend its indefinite postponement.

Which report was concurred in.

Mr. Murphey, from the committee on the judiciary, submitted the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred bill of the House No. 243, entitled, "An act in relation to the probate courts in Henry county," have had the same under consideration and have directed me to report it back to the Senate and recommend its passage.

On motion by Mr. Murphey,

The rules were suspended, and the bill read a third time and passed.

Mr. Murphey, from the committee on the judiciary, submitted the following report:



MR. PRESIDENT:

The committee on the judiciary, to whom was referred bill of the House No. 210, entitled, "An act to amend the 40th chapter of the Revised Acts of 1843, relative to serving process," have had the same under consideration, and have directed me to report it back to the Senate with one amendment, upon the adoption of which, they recommend its passage:

Amend by striking out all of section second.

Which report was concurred in.

The bill was then ordered to a third reading.

Mr. Barbour, chairman of the committee on federal relations, submitted the following report:

MR. PRESIDENT:

The committee on federal relations, to which was referred resolution of the Senate instructing said committee to "enquire into the expediency of memorializing Congress for a grant of lands or money sufficient to complete the Cumberland road through the State of Indiana," have had that subject under consideration, and have instructed me to report the accompanying joint resolution and recommend its passage:

No. 11. A joint resolution for the continuation and completion of the Cumberland road;

Which was read a first time and ordered to a second reading.

The following message was received from the House of Representatives by Mr. Kinder, their Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House have adopted the following resolution, in which the concurrence of the Senate is respectfully requested:

*Resolved*, That the House will adjourn, *sine die*, on Monday, the nineteenth instant, the Senate concurring therein.

Mr. Buell, from the committee on federal relations, submitted the following report:

MR. PRESIDENT:

The committee on federal relations, to whom was referred a joint resolution in relation to the Oregon Territory, have directed me to report back the joint resolution, with one amendment. Strike out from the enacting clause and insert the following:

*"A Joint Resolution on the subject of the Oregon Boundary."*

"WHEREAS, The liberal propositions repeatedly made by the Government of the United States to settle the Oregon boundary question, have manifested an earnest desire on their part to preserve peace and avoid war: AND WHEREAS, President Polk, actuated by the same motives of liberality, has renewed the proposition to grant to the British Government all of said territory north of the forty-ninth degree of north latitude, which has again been rejected by the British Minister at Washington, thereby clearly showing a determination on the part of the British Government not to negotiate or compromise upon terms that would be just and honorable to the people of the United States:

*"Be it resolved by the Senate and House of Representatives of the State of Indiana*, That we heartily respond to the sentiment contained in the message of the Chief Magistrate of this nation, in relation to the territory of Oregon, and the American citizens therein; and that his prompt withdrawal of all propositions further to negotiate, under the circumstances, merits the approbation of the people of this State.

*"And it is further resolved*, That in the opinion of this General Assembly, the United States have the *best right* to the whole of Oregon.

*"It is further resolved*, That the Secretary of State be and he is hereby directed to forward a copy of this joint resolution to our Senators and Representatives in Congress."

Mr. Ellis moved to amend the amendment by striking out all after the word "whereas," and insert the following:

"Humanity, the spirit of our institutions and of the age, are opposed to war and all its attendant evils; and that nothing will justify a resort to arms except the preservation of national existence, or, what is still dearer to every true American breast, national honor. WHEREAS, ALSO, It has been deemed proper in this peculiar crisis of our foreign relations, to give some expression of the views of the Senate and House of Representatives of the State of Indiana, in relation to our claim to Oregon: Therefore,

*"SEC. 1. Be it resolved by the General Assembly of the State of Indiana*, That the door should not be closed against negotiation to bring about a peaceful settlement of this question, until all honorable means have been used, by the Executive of the United States, to effect this desirable object, and they have proved unavailing: In that event, the citizens of Indiana will, with one heart and one mind, give an unwavering support to the President and to the Congress of the United States, in all measures it may be deemed most expedient to adopt, to enforce our just claims to Oregon, and to maintain the honor of the nation.



"**SEC. 2. Resolved, further,** That his Excellency the Governor be requested to transmit a copy of the foregoing resolutions to his Excellency the President of the United States, and to each of our Senators and Representatives in Congress."

Mr. Morgan of Decatur moved to indefinitely postpone the joint resolution and pending amendments.

The ayes and noes being called for by Messrs. Herriman and Morgan of Decatur,

*Those who voted in the affirmative are,*

Messrs. Bowers, Bradbury, Chenowith, Coffin, Davis, Goodenow, Holloway, Montgomery, Moore, Morgan of Decatur, Morgan of Rush, Murphey, Orth, Pomeroy, Reyburn, and Verbriek—16.

*Those who voted in the negative are,*

Messrs. Akin, Allison, Barbour, Berry of Franklin, Berry of Monroe, Buell, Chapman of Daviess, Chapman of Laporte, Cuppy, Edmonson, Ellis, English, Hamer, Handy, Hardin, Henry, Herriman, Howell, Jackson, Jones, Leviston, Logan, Major, Miller, Parks, Read, Rockhill, Todd, Wood, and Zenor—30.

So the joint resolution and pending amendments were not indefinitely postponed.

Mr. Herriman called for a division of the question.

The question then recurring upon striking out,

The ayes and noes were called for by Messrs. Herriman and Akin, and

*Those who voted in the affirmative are,*

Messrs. Allison, Bowers, Bradbury, Chenowith, Coffin, Davis, Ellis, Goodenow, Hamer, Henry, Holloway, Montgomery, Moore, Morgan of Decatur, Morgan of Rush, Murphey, Orth, Pomeroy, Todd, Verbriek, and Zenor—21.

*Those who voted in the negative are,*

Messrs. Akin, Barbour, Berry of Franklin, Berry of Monroe, Buell, Chapman of Daviess, Chapman of Laporte, Cuppy, Edmonson, English, Hamrick, Handy, Hardin, Herriman, Howell, Jackson, Jones, Leviston, Logan, Major, Miller, Parks, Read, Reyburn, Rockhill, and Wood—26.

So the Senate refused to strike out.

Mr. Orth moved to amend the amendment as follows:

"*And be it further resolved,* That inasmuch as the committee of this Senate on federal relations has just reported to the Senate that the whole of Oregon is ours, our Senators are therefore instructed,

and our Representatives in Congress requested, to oppose any compromise whereby we shall lose a single foot of American territory."

Mr. Montgomery moved to lay the joint resolution and pending amendments upon the table.

The ayes and noes being called for by Messrs. Herriman and Jones,

*Those who voted in the affirmative are,*

Messrs. Allison, Bowers, Bradbury, Chenowith, Coffin, Davis, Ellis, Goodenow, Holloway, Montgomery, Moore, Morgan of Decatur, Morgan of Rush, Murphey, Pomeroy, Reyburn, and Verbriek—17.

*Those who voted in the negative are,*

Messrs. Akin, Barbour, Berry of Franklin, Berry of Monroe, Buell, Chapman of Daviess, Chapman of Laporte, Cuppy, Edmonson, English, Hamer, Hamrick, Handy, Hardin, Henry, Herriman, Howell, Jackson, Jones, Leviston, Logan, Major, Miller, Orth, Parks, Read, Rockhill, Todd, Wood, and Zenor—30.

So the joint resolution and pending amendments were not laid upon the table.

The question then recurring upon the adoption of Mr. Orth's amendment;

The ayes and noes were called for by Messrs. Orth and Murphey,

*Those who voted in the affirmative are,*

Messrs. Akin, Allison, Barbour, Berry of Franklin, Berry of Monroe, Bowers, Buell, Chapman of Daviess, Chenowith, Cuppy, Edmonson, English, Hamer, Hamrick, Handy, Hardin, Henry, Herriman, Howell, Jackson, Jones, Leviston, Logan, Major, Orth, Read, Rockhill, Wood, and Zenor—29.

*Those who voted in the negative are,*

Messrs. Bradbury, Chapman of Laporte, Coffin, Davis, Ellis, Goodenow, Holloway, Miller, Montgomery, Moore, Morgan of Decatur, Morgan of Rush, Murphey, Parks, Pomeroy, Reyburn, Todd, and Verbriek—18.

So the amendment was adopted.

Mr. Morgan of Decatur, then moved to amend the amendment of the committee as follows:

"*And be it further resolved,* That this General Assembly cannot understand why President Polk offered to compromise at the 49th degree, after the President had previously declared our title to be clear and indisputable.



Mr. Handy moved to lay the amendment on the table;

The ayes and noes were called for by Messrs. Morgan of Decatur and Handy,

*Those who voted in the affirmative are,*

Messrs. Akin, Barbour, Berry of Franklin, Berry of Monroe, Buell, Chapman of Daviess, Chapman of Laporte, Cuppy, Edmonson, English, Hamrick, Handy, Hardin, Henry, Herriman, Howell, Jackson, Jones, Lane, Leviston, Logan, Major, Miller, Parks, Read, Rockhill, Todd, and Wood—28.

*Those who voted in the negative are,*

Messrs. Allison, Bowers, Bradbury, Coffin, Davis, Ellis, Goodenow, Hamer, Holloway, Montgomery, Moore, Morgan of Decatur, Morgan of Rush, Murphey, Orth, Pomeroy, Reyburn, Verbrike, and Zenor—19.

So the amendment was laid upon the table.

Mr. Coffin then moved to amend the amendment as follows:

*And be it further resolved,* That this General Assembly do heartily concur in the sentiment contained in the instructions of the Hon. Henry Clay, in his instructions to Albert Gallatin, in which he says, "that England has not the color of title to Oregon, and that our title to the same is clear and indisputable," notwithstanding Mr. Clay did instruct Mr. Gallatin to accept the 49th degree, forty minutes, north latitude, as an adjustment of that question.

*And be it further resolved,* That we approve of the speech made by Mr. Polk on the Oregon question in 1828.

Mr. Parks moved to lay the amendment upon the table;

The ayes and noes being called for by Messrs. Parks and Orth,

*Those who voted in the affirmative are,*

Messrs. Akin, Barbour, Berry of Franklin, Berry of Monroe, Buell, Chapman of Daviess, Chapman of Laporte, Cuppy, Edmonson, English, Hamrick, Handy, Hardin, Herriman, Howell, Jackson, Jones, Lane, Leviston, Logan, Major, Miller, Parks, Read, Rockhill, Todd, and Wood—27.

*Those who voted in the negative are,*

Messrs. Allison, Bowers, Bradbury, Coffin, Davis, Ellis, Goodenow, Hamer, Henry, Holloway, Moore, Morgan of Decatur, Morgan of Rush, Murphey, Orth, Pomeroy, Reyburn, Verbrike, and Zenor—19.

So the amendment was laid upon the table.

Mr. Holloway moved to amend the amendment as follows:

*Be it further resolved,* That this General Assembly does most heartily endorse the noble and patriotic stand taken by the Hon. John C. Calhoun, in regard to the settlement of the Oregon question.

Mr. Edmonson moved to lay the amendment upon the table;

The ayes and noes being called for by Messrs. Holloway and Edmonson,

*Those who voted in the affirmative are,*

Messrs. Akin, Barbour, Berry of Franklin, Berry of Monroe, Buell, Chapman of Daviess, Chapman of Laporte, Cuppy, Edmonson, English, Hamrick, Handy, Hardin, Henry, Herriman, Howell, Jackson, Jones, Lane, Leviston, Logan, Major, Miller, Parks, Read, Rockhill, Todd, and Wood—28.

*Those who voted in the negative are,*

Messrs. Allison, Bowers, Bradbury, Coffin, Davis, Ellis, Goodenow, Holloway, Moore, Morgan of Decatur, Morgan of Rush, Murphey, Orth, Pomeroy, Reyburn, Verbrike, and Zenor—18.

So the amendment was laid upon the table.

Mr. Coffin moved to amend the amendment as follows:

*Be it further resolved,* That we heartily approve of the sentiments contained in the inaugural of President Polk, wherein he says "that our title to the whole of Oregon is unquestionable and indisputable," and that we approve of his offer to compromise on the 49th degree of north latitude.

Mr. Verbrike moved to lay the joint resolution and pending amendments upon the table;

The ayes and noes being called for by Messrs. Verbrike and Herriman,

*Those who voted in the affirmative are,*

Messrs. Allison, Bowers, Bradbury, Coffin, Davis, Ellis, Goodenow, Hamer, Holloway, Moore, Morgan of Decatur, Morgan of Rush, Murphey, Orth, Pomeroy, Reyburn, Todd, Verbrike, and Zenor—19.

*Those who voted in the negative are,*

Messrs. Akin, Barbour, Berry of Franklin, Berry of Monroe, Buell, Chapman of Daviess, Chapman of Laporte, Cuppy, Edmon-



son, English, Hamrick, Handy, Hardin, Henry, Herriman, Howell, Jackson, Jones, Lane, Leviston, Logan, Major, Miller, Parks, Read, Rockhill, and Wood—27.

So the motion to lay upon the table did not prevail.

Mr. Edmonson then moved to lay Mr. Coffin's amendment upon the table.

The ayes and noes being called for by Messrs. Coffin and Buell,

*Those who voted in the affirmative are,*

Messrs. Akin, Barbour, Berry of Franklin, Berry of Monroe, Buell, Chapman of Daviess, Chapman of Laporte, Cuppy, Edmonson, English, Hamrick, Handy, Hardin, Henry, Herriman, Howell, Jackson, Jones, Lane, Leviston, Logan, Major, Miller, Parks, Read, Rockhill, Todd, and Wood—28.

*Those who voted in the negative are,*

Messrs. Allison, Bowers, Bradbury, Coffin, Davis, Ellis, Goodenow, Hamer, Holloway, Moore, Morgan of Decatur, Morgan of Rush, Murphey, Orth, Pomeroy, Reyburn, Verbriek, and Zenor—18.

So the amendment was laid upon the table.

Mr. Todd moved the previous question;

Which was not seconded.

Mr. Holloway moved to amend the amendment, as follows:

*Be it further resolved*, That if either of our Senators or Representatives in Congress shall consent to a *compromise* of any portion of the Oregon soil, he shall, by this legislature be henceforth regarded and denounced as a *traitor* to the best interests of our country, in accordance with sentiments expressed upon the floor of this Senate to-day; and in case they should be guilty of this base dereliction of duty, they are hereby requested to resign.

Mr. Handy moved to lay the amendment upon the table;

The ayes and noes being called for by Messrs. Handy and Ellis,

*Those who voted in the affirmative are,*

Messrs. Akin, Barbour, Berry of Franklin, Berry of Monroe, Buell, Chapman of Daviess, Chapman of Laporte, Cuppy, Edmonson, English, Hamrick, Handy, Hardin, Henry, Herriman, Howell, Jackson, Jones, Lane, Leviston, Logan, Major, Miller, Parks, Read, Rockhill, Todd, Wood, and Zenor—29.

*Those who voted in the negative are,*

Messrs. Allison, Bowers, Bradbury, Coffin, Davis, Ellis, Goode-

now, Hamer, Holloway, Moore, Morgan of Decatur, Morgan of Rush, Murphey, Orth, Pomeroy, Reyburn, and Verbriek—17.

So the amendment was laid upon the table.

The question then recurring upon the adoption of the amendment of the committee, as amended.

The ayes and noes were called for by Messrs. Orth and Herriman.

*Those who voted in the affirmative are,*

Messrs. Akin, Allison, Barbour, Berry of Franklin, Berry of Monroe, Buell, Chapman of Daviess, Chapman of Laporte, Cuppy, Edmonson, English, Hamrick, Handy, Hardin, Henry, Herriman, Howell, Jackson, Jones, Lane, Leviston, Logan, Major, Miller, Orth, Parks, Read, Rockhill, Wood, and Zenor—30.

*Those who voted in the negative are,*

Messrs. Bowers, Bradbury, Coffin, Davis, Ellis, Goodenow, Hamer, Holloway, Montgomery, Moore, Morgan of Decatur, Morgan of Rush, Murphey, Pomeroy, Reyburn, Todd, and Verbriek—17.

So the amendment as amended, was adopted.

Mr. Ellis then moved to amend the joint resolution as follows:

"Humanity, the spirit of our institutions and of the age, are opposed to war, and all its attendant evils; and that nothing will justify a resort to arms, except the preservation of national existence, or what is still dearer to every true American breast, national honor. WHEREAS, ALSO, It has been deemed proper in this peculiar crisis of our foreign relations to give some expression of the views of the Senate and House of Representatives of the State of Indiana, in relation to our claim to Oregon: Therefore,

"SEC. 1. *Be it resolved by the General Assembly of the State of Indiana*, That the door should not be closed against negotiation to bring about a peaceful settlement of this question, until all honorable means have been used, by the Executive of the United States, to effect the desirable object, and they have proved unavailing: in that event, the citizens of Indiana will with one heart and one mind give an unwavering support to the President, and to the Congress of the United States in all measures it may be deemed most expedient to adopt, to enforce our just claims to Oregon, and to maintain the honor of the nation.

"SEC. 2. *Resolved further*, That his Excellency, the Governor, be requested to transmit a copy of the foregoing resolutions to his Excellency, the President of the United States, and to each of our Senators and Representatives in Congress."

Mr. Buell moved the previous question, which was seconded by the Senate.



INDIANAPOLIS, January 3d, 1846.

HON. GODLOVE S. ORTH,

*President of the Senate :*

You will please lay before the Honorable body over which you preside, the following:

Since my communication to the Honorable Senate, of yesterday, I have received from Cincinnati a letter, from which the following are extracts, and which will be found a reply to that part of the Senate's resolution on the subject of the German messages :

"CINCINNATI, Dec. 31, 1845.

" MESSRS. G. A. & J. P. CHAPMAN :

GENTLEMEN—Since my last I had to battle with a series of unfortunate occurrences. I was sick for about fourteen days, when my office was just overcrowded with business, when we received new types, had to re-set advertisements, enlarged our paper, put up a power press, &c. &c. And besides all this, that renowned printer's luck befel us in the midst of troubles—a large form was knocked into *pi*. These unlucky circumstances, I trust, will afford some excuse; and I have to beg your pardon for this long delay. Nobody feels more sorry for it than I do. All, however, is *now* ready for delivery, and I shall forward it to-day or to-morrow by stage. \* \* The translation amounts to a good deal more than the original. With a literal translation this will always be the case.

(Signed) STEPHEN MOLITOR."

Which is respectfully submitted.

J. P. CHAPMAN,  
*State Printer.*

On motion by Mr. Morgan of Decatur,  
The communication was laid upon the table.

On motion by Mr. Davis,  
The resolution of the House, fixing the 19th instant as the day of final adjournment, was taken up.

Mr. Davis moved that the Senate reciprocate the resolution.

Mr. Chapman of Laporte moved to postpone the consideration of the resolution until Monday next;

The ayes and noses being called for by Messrs. Chapman of Laporte and Davis,

*Those who voted in the affirmative are,*

Messrs. Akin, Allison, Barbour, Chapman of Daviess, Chapman of Laporte, Chenowith, Coffin, Edmonson, Ellis, English, Hamer, Herriman, Howell, Jackson, Jones, Lane, Miller, Montgomery, Morgan of Rush, Pomeroy, Rockhill, Todd, and Verbriek—23.

*Those who voted in the negative are,*

Messrs. Berry of Franklin, Berry of Monroe, Bowers, Bradbury, Buell, Cuppy, Davis, Goodenow, Hamrick, Handy, Hardin, Henry, Holloway, Leviston, Logan, Major, Moore, Morgan of Decatur, Murphey, Orth, Parks, Read, Reyburn, Wood, and Zenor—25.

So the resolution was not so postponed.

Mr. Lane moved to lay the resolution upon the table;

The ayes and noses being called for by two Senators,

*Those who voted in the affirmative are,*

Messrs. Akin, Allison, Barbour, Chapman of Daviess, Chapman of Laporte, Chenowith, Coffin, Edmonson, Ellis, English, Hamer, Herriman, Howell, Jackson, Jones, Lane, Miller, Montgomery, Morgan of Rush, Pomeroy, and Rockhill—21.

*Those who voted in the negative are,*

Messrs. Berry of Franklin, Berry of Monroe, Bowers, Bradbury, Buell, Cuppy, Davis, Goodenow, Handy, Hardin, Henry, Holloway, Leviston, Logan, Major, Moore, Morgan of Decatur, Murphey, Orth, Parks, Read, Reyburn, Todd, Verbriek, Wood, and Zenor—26.

So the resolution was not laid upon the table.

Mr. Chapman of Laporte moved to amend the resolution by striking out "19th," and insert "12th;"

The ayes and noses being called for by Messrs. Chapman of Laporte and Davis,

*Those who voted in the affirmative are,*

Messrs. Akin, Barbour, Chapman of Laporte, Edmonson, Goodenow, Hamrick, Henry, Herriman, Jackson, Lane, Leviston, Orth, Reyburn, Rockhill, and Zenor—14.

*Those who voted in the negative are,*

Messrs. Allison, Berry of Franklin, Berry of Monroe, Bowers,



Bradbury, Buell, Chapman of Daviess, Chenowith, Coffin, Cuppy, Davis, Ellis, English, Hamer, Handy, Hardin, Holloway, Howell, Jones, Logan, Major, Miller, Montgomery, Moore, Morgan of Decatur, Morgan of Rush, Murphey, Parks, Pomeroy, Read, Todd, Verbrike, and Wood—34.

So the amendment was not adopted.

The question then recurring upon reciprocating the resolution,

The ayes and noes were called for by Messrs. Akin and Davis;

*Those who voted in the affirmative are,*

Messrs. Berry of Franklin, Berry of Monroe, Bowers, Bradbury, Buell, Cuppy, Davis, English, Goodenow, Hamer, Handy, Hardin, Henry, Leviston, Logan, Major, Moore, Morgan of Decatur, Morgan of Rush, Murphey, Orth, Parks, Read, Todd, Verbrike, Wood, and Zenor—27.

*Those who voted in the negative are,*

Messrs. Akin, Allison, Barbour, Chapman of Daviess, Chapman of Laporte, Chenowith, Coffin, Edmonson, Ellis, Hamrick, Herriman, Holloway, Howell, Jackson, Jones, Lane, Miller, Montgomery, Pomeroy, Reyburn, and Rockhill—20.

So the resolution was reciprocated by the Senate.

Leave being granted,

Mr. Lane, from the joint committee having under consideration the communication of his Excellency the Governor, enclosing the communication of Mr. Butler, agent of our foreign bondholders, submitted the following report:

**MR. PRESIDENT:**

The joint committee to whom was referred the communication of Mr. Charles Butler, agent for a large portion of our bondholders, addressed to the Governor and the Legislature of Indiana, upon the subject of the State indebtedness, together with the whole subject contemplated in said communication, have had the same under long and deliberate consideration, and the committee in attendance directed me, unanimously, to report the following bill:

No. 159. A bill to provide for the funded debt of the State of Indiana, and for the completion of the Wabash and Erie canal to Evansville;

Which was read a first time.

On motion by Mr. Lane,

The rules were suspended, and the bill read a second time.

On motion by Mr. Parks,

The bill was laid upon the table, and five hundred copies thereof ordered to be printed for the use of the Senate.

On motion by Mr. Chapman of Laporte,

*Ordered,* That the State Printer be instructed to print four hundred copies of the bill in pamphlet form.

Mr. Montgomery, from the committee on education, submitted the following report:

**MR. PRESIDENT:**

The committee on education, to whom was referred, through mistake, on yesterday, bill No. 114, have directed me to report the same back to the Senate, and ask that it be placed on the files of bills on their second reading, where it legitimately belongs.

The bill was then ordered to a second reading.

The rules being suspended,

Mr. Read introduced,

No. 160. A bill for the relief of John C. Parker;

Which was read a first time.

On motion by Mr. Read,

The rules were suspended, and the bill read a second time and referred to the committee on education.

Leave being granted,

Mr. Todd, from a select committee, submitted the following report:

**MR. PRESIDENT:**

The select committee consisting of the Senators within the fifth judicial circuit, to whom was referred bill No. 232, of the House of Representatives, entitled, "An act to amend an act fixing the time of holding courts in the fifth judicial circuit," approved January 13, 1845, have considered the subject, and direct me to report the bill back to the Senate, with one amendment, and upon said amendment being adopted, recommend its passage:

Amend as follows:

Sec. 3. That the traverse jury for the last week of the regular term of said circuit court shall serve as jurors during the continuance of the adjourned court.

Which report was concurred in.

The bill was then read a third time and passed.

On motion by Mr. Berry of Franklin,

The Senate adjourned until two o'clock, P. M.



2 o'clock, P. M.

The Senate met.

Mr. Davis moved to take from the table,

No. 142. A bill (of the House) changing the time of holding circuit and probate courts in Clark county;

Which motion prevailed.

The bill was then read a third time and passed.

The Senate then took up the orders of the day.

#### SENATE BILLS ON THEIR THIRD READING.

No. 25. A bill in relation to county treasurers;

Read a third time and passed.

No. 131. A bill to amend an act entitled, "An act regulating the fees and salaries of the several officers and persons therein named," approved February 7, 1831;

Read a third time.

Mr. Hamrick moved to lay the bill upon the table;

Which motion did not prevail.

The bill was then passed.

No. 149. A bill for the relief of Survilar Jane Neal, late Eudaly;

Read a third time.

Mr. Buell moved to lay the bill upon the table;

Which motion did not prevail.

The question then recurring upon the passage of the bill,

The ayes and noes were called for by Messrs. Morgan of Decatur and Buell.

*Those who voted in the affirmative are,*

Messrs. Akin, Berry of Franklin, Chapman of Daviess, Chapman of Laporte, Coffin, Cuppy, Davis, Edmonson, English, Handy, Hardin, Henry, Herriman, Howell, Jackson, Lane, Major, Montgomery, Parks, Pomeroy, Read, and Wood—22.

*Those who voted in the negative are,*

Messrs. Allison, Barbour, Berry of Monroe, Bowers, Bradbury, Buell, Chenowith, Ellis, Goodenow, Hamer, Hamrick, Holloway, Jones, Leviston, Miller, Moore, Morgan of Decatur, Morgan of Rush, Murphey, Orth, Reyburn, Rockhill, Verbriake, and Zenor—24.

So the bill was not passed.

No. 153. A bill fixing a certain annual compensation to the auditor of Boone county;

Read a third time, and passed.

No. 146. A bill to change the location of the feeder dam on Sugar creek, in Parke county;

Read a third time, and passed.

No. 150. A bill relative to the bridge over White river, on the Michigan road, in Marion county;

Read a third time;

On motion by Mr. Verbriake,

The bill was then laid upon the table.

No. 98. A bill prohibiting the sinking fund commissioners from relinquishing mortgaged lands in certain cases;

Read a third time, and passed.

No. 10. A joint resolution on the subject of liens on real estate;

Read a third time, and passed.

No. 152. A bill to divorce Cynthia Devault from William W. Devault, her husband; and also, Blista Ann Huffman from her husband, Jacob Huffman;

Read a third time;

On the passage of the bill,

The ayes and noes being called for by Messrs. Buell and Morgan of Decatur,

*Those who voted in the affirmative are,*

Messrs. Akin, Berry of Franklin, Berry of Monroe, Chapman of Daviess, Chapman of Laporte, Cuppy, Davis, Edmonson, English, Hamrick, Handy, Hardin, Henry, Herriman, Howell, Jackson, Lane, Leviston, Major, Miller, Montgomery, Parks, Pomeroy, Read, and Wood—25.

*Those who voted in the negative are,*

Messrs. Allison, Barbour, Bowers, Bradbury, Buell, Chenowith, Coffin, Ellis, Goodenow, Hamer, Holloway, Jones, Moore, Morgan of Decatur, Morgan of Rush, Murphey, Orth, Reyburn, Rockhill, Verbriake, and Zenor—21.

So the bill was passed.

No. 147. A bill for the relief of Owen McMannis, of Martin county;

Read a third time, and passed.

#### HOUSE BILLS ON THEIR THIRD READING.

No. 210. A bill to amend the 40th chapter of the Revised Statutes of 1843, relative to the serving of process;

Read a third time, and passed.

On motion by Mr. Murphey,

The title of the bill was so amended as to read, "An act regulating the service of process."



No. 131. A bill to abolish the office of county auditor in Johnson county;

Read a third time;

On the passage of the bill,

The ayes and noes being called for by Messrs. Akin and Hardin,

*Those who voted in the affirmative are,*

Messrs. Akin, Berry of Franklin, Berry of Monroe, Buell, Chapman of Daviess, Cuppy, Edmonson, English, Hamrick, Handy, Hardin, Herriman, Howell, Jackson, Lane, Leviston, Logan, Major, Miller, Parks, Read, Rockhill, Verbriek, Wood, and Zenor—25.

*Those who voted in the negative are,*

Messrs. Allison, Barbour, Bowers, Bradbury, Chapman of Laporte, Chenoweth, Coffin, Davis, Ellis, Goodenow, Hamer, Henry, Holloway, Jones, Montgomery, Moore, Morgan of Decatur, Morgan of Rush, Murphey, Orth, Pomeroy, and Reyburn—22.

So the bill was passed.

No. 246. A bill to vacate a certain alley in the town of Greencastle;

Read a third time, and passed.

No. 206. A bill changing the time of holding probate courts in Cass county;

Read a third time, and passed.

No. 136. A bill to amend section 326, chapter 40, Revised Statutes of 1843;

Read a third time, and passed.

No. 157. A bill incorporating the Logansport and Rochester Michigan road company;

Read a third time, and passed.

No. 173. A bill declaring a certain road therein named a State road;

Read a third time, and passed.

No. 194. A bill to extend the terms of the board doing county business in the county of Tippecanoe;

Read a third time, and passed.

No. 226. A bill for the relief of Nathaniel Coal of Warrick county;

Read a third time, and passed.

No. 193. A bill authorizing Rhoda Butler to mortgage certain real estate;

Read a third time, and passed.

No. 153. A bill for the relief of Felix Ingoldsby;

Read a third time, and passed.

No. 185. A bill to amend an act therein named;

Read a third time, and passed.

On motion by Mr. Howell,

The title of the bill was changed so as to read,

"An act relative to the county auditors' fees of Ripley and Spencer counties."

No. 89. A bill to amend the Statute regulating the duties of clerks of executors and administrators sales;

Read a third time, and passed.

No. 174. A bill to survey and locate a State road from Robinson's ferry on White river, in Daviess county, to Harrisonville, in Martin county;

Read a third time, and passed.

No. 222. A bill providing for the election of an additional justice of the peace in Union township, Montgomery county;

Read a third time, and passed.

No. 235. A bill extending the time of holding probate courts in Shelby county;

Read a third time, and passed.

No. 264. A bill for the relief of John Johnson, of Laporte county;

Read a third time, and passed.

No. 186. A bill to reduce the fees of the recorder of Johnson county;

Read a third time.

On motion by Mr. Hardin,

The bill was referred to a select committee of Messrs. Hardin, Akin, and Zenor, with instructions to amend the bill so as to increase the fees therein allowed.

No. 209. A bill to extend the provisions of the Revised Statutes of 1843, in relation to roads and highways, to the county of Posey;

Read a third time and passed.

No. 204. A bill defining the boundaries between the counties of Clark and Washington;

Read a third time and passed.

No. 158. A bill to establish a certain State road therein named, in Fountain county;

Read a third time and passed.

No. 214. A bill to change the mode of working roads in Rush county;

Read a third time and passed.

No. 152. A bill to amend article fifth, of chapter forty, of the Revised Statutes of 1843;

Read a third time and passed.

On motion by Mr. Chapman of Laporte,

The title of the bill was so amended as to read,

"An act in relation to the limitation of actions upon transcripts of justices of the peace."

No. 47. A bill to extend an act entitled, "An act to provide for a more efficient mode of expending the road tax in the several counties



therein named," approved January 15, 1814, to the counties of Noble and Lagrange;

Read a third time and passed.

No. 124. A bill to change the time of summoning petit jurors to appear in the circuit court, for Vigo county, and for other purposes;

Read a third time and passed.

No. 126. A bill to dissolve the bonds of matrimony between Jared S. Ryker and Thursa Ann Ryker, of Jefferson county;

Read a third time.

On the passage of the bill,

The ayes and noes being called for by Messrs. Herriman and Buell,

*Those who voted in the affirmative are,*

Messrs. Berry of Monroe, Chapman of Daviess, Chapman of Laporte, Coffin, Edmonson, Howell, Jackson, Montgomery, and Read—9.

*Those who voted in the negative are,*

Messrs. Akin, Allison, Barbour, Bowers, Bradbury, Buell, Chenowith, Cuppy, Ellis, English, Hamer, Hamrick, Handy, Hardin, Henry, Herriman, Holloway, Jones Lane, Leviston, Logan, Miller, Moore, Morgan of Decatur, Morgan of Rush, Murphey, Orth, Parks, Pomeroy, Reyburn, and Rockhill—31.

So the bill was not passed.

No. 215. A bill to dissolve the bonds of matrimony between Benjamin Rosecrantz and Sarah Ann Rosecrantz, citizens of Perry county;

Read a third time.

On the passage of the bill,

The ayes and noes being called for by Messrs. Morgan of Decatur and Buell,

*Those who voted in the affirmative are,*

Messrs. Akin, Berry of Franklin, Berry of Monroe, Chapman of Daviess, Chapman of Laporte, Coffin, Cuppy, Davis, Edmonson, English, Handy, Hardin, Herriman, Howell, Jackson, Lane, Leviston, Miller, Montgomery, Pomeroy, Read, and Wood—22.

*Those who voted in the negative are,*

Messrs. Allison, Barbour, Bowers, Bradbury, Buell, Chenowith, Ellis, Hamer, Hamrick, Henry, Holloway, Jones, Logan, Moore, Morgan of Decatur, Morgan of Rush, Murphey, Orth, Parks, Reyburn, and Verbriek—21.

So the bill was passed.

On motion by Mr. Jones,

The vote was reconsidered by which bill of the House No. 158 was passed.

On motion by Mr. Jones,

The bill was then laid upon the table.

On motion by Mr. English,

The vote was reconsidered by which the Senate refused to pass bill of the House No. 126.

The question then recurring upon the passage of the bill,

The ayes and noes were called for by Messrs. English and Morgan of Decatur.

*Those who voted in the affirmative are,*

Messrs. Berry of Monroe, Chapman of Daviess, Chapman of Laporte, Coffin, Davis, Edmonson, English, Handy, Henry, Howell, Jackson, Lane, Leviston, Major, Montgomery, Parks, Pomeroy, and Read—18.

*Those who voted in the negative are,*

Messrs. Akin, Allison, Barbour, Bradbury, Buell, Chenowith, Cuppy, Ellis, Hamer, Hamrick, Hardin, Herriman, Holloway, Jones, Logan, Miller, Moore, Morgan of Decatur, Morgan of Rush, Murphey, Orth, Reyburn, and Rockhill—23.

So the bill was not passed.

No. 109. A bill dissolving the bonds of matrimony between William Martin and Susan Martin, of Warrick county;

Read a third time.

On motion by Mr. Herriman,

The bill was then laid upon the table.

No. 175. A bill to dissolve the bonds of matrimony between Frederick Hartsell and Rosanna Hartsell;

Read a third time.

On motion by Mr. Herriman,

The bill was then laid upon the table.

No. 171. A bill to dissolve the bonds of matrimony between Adam Shambrough and Elizabeth Shambrough;

Read a third time.

On the passage of the bill,

The ayes and noes being called for by Messrs. Buell and Murphey,

*Those who voted in the affirmative are,*

Messrs. Akin, Berry of Franklin, Berry of Monroe, Chapman of Daviess, Chapman of Laporte, Coffin, Cuppy, Davis, Edmonson, English, Handy, Hardin, Henry, Herriman, Howell, Jackson, Lane, Leviston, Major, Miller, Montgomery, Pomeroy, Read, Rockhill, and Wood—25.



*Those who voted in the negative are,*

Messrs. Allison, Barbour, Bowers, Bradbury, Buell, Chenowith, Ellis, Goodenow, Hamer, Hamrick, Holloway, Jones, Logan, Moore, Morgan of Decatur, Morgan of Rush, Murphey, Orth, Parks, Reyburn, Verbrike, and Zenor—22.

So the bill was passed.

No. 217. A bill for the relief of Barbara Ann May;

Read a third time.

Mr. Herriman moved to lay the bill upon the table;

Which motion did not prevail.

On the passage of the bill,

The ayes and noes being called for by Messrs. Chapman of Laporte and Herriman,

*Those who voted in the affirmative are,*

Messrs. Akin, Berry of Franklin, Berry of Monroe, Chapman of Daviess, Chapman of Laporte, Coffin, Davis, Edmonson, English, Handy, Howell, Jackson, Lane, Leviston, Major, Montgomery, Read, and Wood—18.

*Those who voted in the negative are,*

Messrs. Allison, Barbour, Bowers, Bradbury, Buell, Chenowith, Cuppy, Ellis, Goodenow, Hamer, Hamrick, Henry, Herriman, Holloway, Jones, Logan, Miller, Moore, Morgan of Decatur, Morgan of Rush, Murphey, Orth, Parks, Pomeroy, Reyburn, Rockhill, Verbrike, and Zenor—28.

So the bill was not passed.

On motion by Mr. Buell,

No. 59. A bill to provide for the taking, holding, and transmitting of real estate by aliens, and for quieting titles to real estate,

Was taken from the table.

The bill was read a second time.

On motion by Mr. Buell,

The rules were suspended, and the bill read a third time and passed.

## SENATE BILLS ON THEIR SECOND READING.

No. 158. A bill in relation to the sale of property on execution;

Read a second time.

Mr. Handy moved to lay the bill upon the table.

The ayes and noes being called for by Messrs. Chapman of Laporte and Herriman,

*Those who voted in the affirmative are,*

Messrs. Akin, Berry of Franklin, Berry of Monroe, Buell, Chapman of Daviess, Chenowith, Coffin, Cuppy, Ellis, English, Hamer, Hamrick, Handy, Holloway, Howell, Jackson, Jones, Lane, Major, Miller, Montgomery, Morgan of Decatur, Rockhill, Verbrike, Wood, and Zenor—26.

*Those who voted in the negative are,*

Messrs. Allison, Barbour, Bowers, Bradbury, Chapman of Laporte, Davis, Edmonson, Goodenow, Henry, Herriman, Leviston, Logan, Moore, Morgan of Rush, Murphey, Orth, Parks, Pomeroy, Read, and Reyburn—20.

So the bill was laid upon the table.

Leave being granted,

Mr. Allison, from the committee on education, submitted the following report:

## MR. PRESIDENT:

The committee on education, to which was referred bill No. 144, of the Senate, would ask leave to report the same back, and ask that it be placed in the files, as it was reported from the committee in accordance with a resolution of the Senate.

On motion by Mr. Howell,  
The bill was laid upon the table.

No. 157. A bill in relation to the duties of the sinking fund commissioners;

Read a second time, and,

On motion by Mr. Chapman of Laporte,  
Laid upon the table.

No. 114. A bill to amend the act relative to the asylum for the education of the deaf and dumb;

Read a second time.

Mr. Parks moved to amend the bill by striking out the words "Marion" and "Indianapolis," wherever they occur in the bill, and insert "Monroe" and "Bloomington."

Mr. Handy called for a division of the question.

The question then recurred upon striking out.

Pending which,

On motion,  
The Senate adjourned.



MONDAY MORNING, JAN. 5, 1846.

The Senate assembled.

The Journal of the preceding day was read.

Mr. Morgan of Decatur presented the petition of Aaron Johnson and others, in relation to the charter of a certain railroad company therein named; which,

On motion by Mr. Morgan of Decatur,

Was referred to a select committee of Messrs. Morgan of Decatur, Barbour, and Morgan of Rush.

Mr. Lane presented the petition of Moses Noble, praying for a divorce; which,

On motion by Mr. Lane,

Was referred to a select committee of Messrs. Lane, Reyburn, and Howell.

Mr. Davis, from the committee on the judiciary, submitted the following report:

MR. PRESIDENT:

The judiciary committee, to whom was referred a resolution of the Senate, instructing them to enquire into the expediency of establishing a house of correction in each county in the State, for the punishment of females, juvenile offenders, &c., have had the same under consideration, and have instructed me to report that it is inexpedient to legislate upon the subject, and therefore ask to be discharged from the further consideration of said resolution.

Which report was concurred in.

Mr. Davis, from the committee on the judiciary, submitted the following report:

MR. PRESIDENT:

The committee on the judiciary to whom was referred bill (of the House) No. 238, regulating the mode of enforcing the collection of certain costs in the several courts of the State, have had the same under consideration, and have made one amendment thereto, and upon the adoption of said amendment, said committee recommend the passage of the bill:

"Amend the 2d section of the bill by adding the following proviso:

*Provided, however,* That no such judgment or decree shall in any way operate as a lien upon real estate;

Which report was concurred in.

On motion by Mr. Chapman of Laporte,

The rules were suspended, and the bill read a third time, and passed.

Mr. Davis, from the committee on the judiciary, submitted the following report:

MR. PRESIDENT:

The committee on the judiciary to whom was referred a resolution of the Senate, instructing them to enquire into the expediency of abolishing capital punishment, have had the same under consideration; but as there is a bill now before the Senate providing for the abolition of such punishment, said committee ask to be discharged from the further consideration of said resolution.

Which report was concurred in.

Mr. Davis, from the committee on the judiciary, submitted the following report:

MR. PRESIDENT:

The committee on the judiciary to whom was referred bill (of the House) No. 180, for the benefit of the widow and heirs of John Sering, late of Jefferson county, deceased, have had the same under consideration, and have instructed me to report the same back to the Senate, and recommend its passage.

On motion by Mr. Goodenow,

The rules were suspended, and the bill read a third time, and passed.

Mr. Handy, from the committee on education, submitted the following report:

MR. PRESIDENT:

The committee on education to whom was referred the petition of George Donaldson and others, of Lagrange county, in relation to congressional school lands, have had that subject under consideration, and have directed me to report that subject inexpedient to legislate upon.

Which report was concurred in.

Mr. Lane, chairman of the committee on canals and internal improvements, submitted the following report:



MR. PRESIDENT:

The committee on canals and internal improvements, to whom was referred (House) bill No. 81, to provide for the leasing of water power on the Wabash and Erie canal, have had the same under consideration, and have directed me to report the same back to the Senate, and recommend its passage.

The bill was then ordered to a third reading.

Mr. Lane, chairman of the committee on canals and internal improvements, submitted the following report:

MR. PRESIDENT:

The committee on canals and internal improvements, to whom was referred the petition of John C. Helms, for release of water rent, have directed me to report it inexpedient to grant the prayer of the petitioner, and ask to be discharged from the further consideration thereof.

Which report was concurred in.

Mr. Lane, chairman of the committee on canals and internal improvements, made the following report:

MR. PRESIDENT:

The committee on canals and internal improvements, to whom was referred a bill (No. 231,) for the relief of A. Hendricks and Son, have had the same under consideration, and have directed me to report the same to the Senate for their consideration.

Mr. Lane moved to lay the bill upon the table;

Which motion did not prevail.

Mr. Berry of Franklin, moved to amend the bill as follows:

*Provided*, That the enquiry shall only extend to the questions, Whether Hendricks and Son did excavate or not, below the grade line—and if so, whether it was by the error of the Engineer, or by their own fault?

Which amendment was adopted.

Mr. Murphey moved to amend the bill as follows:

*Provided, however*, That in assessing such damages, said commissioners shall not exceed the sum of five hundred dollars.

Mr. Bowers moved to amend the amendment by adding after the words, "five hundred," the words, "and sixty."

Mr. Howell moved to indefinitely postpone the bill and pending amendments.

The ayes and noes being called for by Messrs. Barbour and Howell,

*Those who voted in the affirmative are,*

Messrs. Akin, Allison, Berry of Franklin, Berry of Monroe, Buell, Chapman of Daviess, Cuppy, Edmonson, Hardin, Herriman, Howell, Lane, Leviston, Logan, Major, Miller, Murphey, Parks, Read, Rockhill, and Wood—21.

*Those who voted in the negative are,*

Messrs. Barbour, Bowers, Bradbury, Chapman of Laporte, Chenowith, Coffin, Davis, Ellis, English, Goodenow, Hamer, Hamrick, Handy, Henry, Holloway, Jackson, Montgomery, Moore, Morgan of Decatur, Morgan of Rush, Orth, Pomeroy, Reyburn, Verbriek, and Zenor—25.

So the motion to indefinitely postpone, did not prevail.

The question then recurring upon the adoption of Mr. Bowers's amendment,

It was decided in the negative.

Mr. Buell then moved to amend the amendment of Mr. Murphey, as follows:

*"Provided*, That this shall be a final settlement between the State and Hendricks and Son;"

Which amendment was adopted.

The question then recurring upon the adoption of Mr. Murphey's amendment, as amended,

It was decided in the affirmative.

Mr. Barbour then moved to amend the bill by inserting after the word, "M. G. Bright," wherever it occurs, the words, "or his successor in office;"

Which amendment was adopted.

The question then recurring,

"Shall the bill be ordered to a third reading?"

The ayes and noes being called for by Messrs. Herriman and Murphey,

*Those who voted in the affirmative are,*

Messrs. Barbour, Bowers, Bradbury, Chapman of Laporte, Chenowith, Coffin, Davis, Ellis, English, Goodenow, Hamer, Henry, Holloway, Jackson, Jones, Montgomery, Moore, Morgan of Decatur, Orth, Pomeroy, Reyburn, Verbriek, Winchell, and Zenor—24.



No. 91. An act relative to the punishment of treason and murder in the first degree ;

No. 139. An act to amend the 1st article of the 53d chapter of the Revised Laws of 1843, and for other purposes ;

No. 166. An act to amend an act entitled, An act to incorporate the Vevay and Napoleon Turnpike Company, approved February 8, 1836, approved January 15, 1844, approved January 13, 1845 ;

No. 184. An act to incorporate the White River Navigation Company ;

No. 205. An act to amend an act entitled, An act to incorporate the Michigan Road Company south of Indianapolis ;

No. 225. An act to incorporate the Hoosier Band of Greenfield ;

No. 283. An act allowing the commissioner of the Wabash and Erie canal to employ an engineer, and for other purposes ;

No. 285. An act granting the right of way to a company to construct a rail or turnpike road therein named in Vermillion county ;

No. 296. An act to locate a State road in the counties of Miami and Madison ;

No. 299. An act for the relief of Susan Wherley of Hamilton county ;

No. 305. An act for the relief of Robert Stockwell of Gibson county ;

No. 308. An act legalizing the acts of certain justices of the peace in Allen county ;

No. 310. An act in relation to the granting of tavern licenses in the county of Cass ;

No. 311. An act amendatory of the 3d article, 16th chapter, section 90, of Revised Statutes of 1843, so far as relates to the counties of Cass and Tippecanoe ;

No. 312. An act declaratory of an act therein referred to ;

No. 313. An act for the relief of Martha Jane Van Dusen of Vanderburgh county ;

No. 316. An act authorizing district and township trustees to administer oaths in certain cases ;

No. 317. An act for the relief of the heirs of Henry Stephenson, deceased, late of Boone county ;

No. 318. An act relative to apprentices ;

No. 325. An act to re-locate a part of a certain State road in Marion county ;

No. 326. An act to abolish the necessity of special legislation in Adams and Jay counties ;

No. 342. An act for the relief of Lucinda Sparks of Floyd county ;  
In which the concurrence of the Senate is respectfully requested.

Mr. Jones, from the committee on canals and internal improvements, submitted the following report :

MR. PRESIDENT :

The committee on canals and internal improvements, to whom was referred a petition from sundry citizens of Fountain county, have had the same under consideration, and have directed me to report it back with the accompanying bill, and recommend its passage :

No. 162. A bill to amend an act relative to claims for damages on the public works ;

Which was read a first time.

On motion by Mr. Jones,

The rules were suspended, and the bill read a second time.

On motion by Mr. Reyburn,

The bill was amended by adding after the word "west," wherever it occurs before "Tippecanoe," the word "east."

On motion by Mr. Jones,

The vote was reconsidered by which Mr. Reyburn's amendment was adopted.

The question then recurring upon the adoption of the amendment, It was decided in the negative.

The bill was then laid upon the table.

Mr. Hardin, from the committee on the affairs of the town of Indianapolis, submitted the following report :

MR. PRESIDENT :

The committee on the affairs of the town of Indianapolis, to whom was referred a petition of Humphrey Griffith and others, on behalf of the Common Council of the town of Indianapolis, asking aid in the purchase of a fire engine, &c., likewise a resolution of the Senate on the same subject, according to order, have had the same under consideration, and have directed me to report the following joint resolution, and recommend its passage :

No. 12. A joint resolution in relation to the purchase of a fire engine and hose, and for the erection of an engine house for the town of Indianapolis ;

Which was read a first and second times, the rules being suspended, and,

On motion by Mr. Read,

Referred to the committee on finance.

Mr. Bowers, from the committee on claims, submitted the following report :

MR. PRESIDENT :

The committee on claims, to whom was referred bill No. 141, of



the Senate, "A bill for the relief of William Phillips of St. Joseph county," have had the same under consideration, and have instructed me to report the same back with one amendment, and respectfully recommend its adoption and the passage of the bill:

Amend by striking out the bill from the enacting clause and insert the following:

No. 141. A bill for the relief of William Phillips of St. Joseph county;

The bill was then ordered to be engrossed for a third reading.

Mr. Edmonson, from the committee on claims, submitted the following report:

**MR. PRESIDENT:**

The committee on claims to whom was referred bill (of the Senate) No. 102, have had the same under consideration, and have directed me to report the same back to the Senate, and recommend its passage.

The bill was then read a third time, the rules being suspended, and passed.

Mr. Murphey, from the committee on the State Prison, submitted the following report:

**MR. PRESIDENT:**

The committee on the State Prison to whom was referred the memorial of Simon Bottorff, making propositions for the leasing of the new State Prison, have had the several propositions therein contained under consideration, and have unanimously directed me to report the accompanying bill and recommend its passage.

No. 163. A bill leasing the Indiana State Prison, and for other purposes;

Which was read a first time, and ordered to a second reading.

Mr. Edmonson, chairman of the committee on corporations, submitted the following report:

**MR. PRESIDENT:**

The committee on corporations to whom was referred bill (of the Senate) No. 154, a bill to incorporate the Fort Wayne and Plymouth turnpike company, have had the same under consideration, and have directed me to report it back to the Senate and recommend its passage.

The bill was then ordered to be engrossed for a third reading.

Mr. Berry of Franklin, from the committee on corporations, submitted the following report:

**MR. PRESIDENT:**

The committee on corporations to whom was referred a bill entitled No. 104, "A bill to incorporate the Fort Wayne and Lima turnpike company, have had that subject under consideration, and directed me to report it back to the Senate, and recommend its passage.

The bill was then ordered to be engrossed for a third reading.

Mr. Miller, from the committee on corporations, submitted the following report:

**MR. PRESIDENT:**

The committee on corporations to whom was referred a bill (of the Senate) No. 151, to incorporate the White river Presbyterian Church and Society, in Greene county, have had the same under consideration, and instructed me to report the same back to the Senate and recommend its passage, and ask to be discharged from the further consideration thereof.

The bill was then ordered to be engrossed for a third reading.

Mr. Verbriek, from the committee on corporations, submitted the following report:

**MR. PRESIDENT:**

The committee on corporations to whom was referred bill No. 218, (of the House) "A bill to incorporate the Female Seminary of St. Mary's of the Woods, in Vigo county, have according to order, had the same under consideration, and have directed me to report the bill back to the Senate, without amendment, and recommend its passage.

On motion by Mr. Ellis,

The rules were suspended, and the bill read a third time, and passed.

Mr. Ellis, from a select committee, submitted the following report:

**MR. PRESIDENT:**

The select committee to whom was referred the petition of Levi Chambers and others, praying for authority to erect a mill dam



across Black creek, in Knox county, having had the same under consideration, have instructed me to report the following bill, and recommend its passage.

No. 164. A bill for the relief of James C. Creager, of Knox county;

Which was read a first time.

On motion by Mr. Ellis,

The rules were suspended, and the bill read a second time, and referred to the committee on the judiciary.

Mr. Morgan of Decatur, from a select committee, submitted the following report:

MR. PRESIDENT:

The select committee to whom was referred the petition of Hugh Fugit and others, praying a charter for a railroad from Milford, in Decatur county, to Columbus, in Bartholomew county, have had the same under consideration, and directed me to report the following bill, and recommend its passage.

No. 165. A bill to incorporate the Milford and Columbus railroad company;

Which was read a first time.

On motion by Mr. Morgan of Decatur,

The rules being suspended, and the bill read a second time, and referred to the committee on corporations.

Mr. Buell, from a select committee, submitted the following report:

MR. PRESIDENT:

House bill, No. 239, I am authorized by a select committee to report back, and recommend its passage.

The bill was then ordered to a third reading.

Mr. Buell, from a select committee, submitted the following report:

MR. PRESIDENT:

I am authorized by a select committee, to report back (House bill) No. 211, and recommend its indefinite postponement;

Which report was concurred in.

Mr. Ellis, from a select committee, submitted the following report:

MR. PRESIDENT:

The select committee to which was referred Senate bill No. 93, relative to the water power at Northport, in Noble county, with instructions to incorporate in the third section of said bill the following amendment, to-wit,

"Provided that the amount thus drawn from the Treasurer does not exceed the sum of five thousand dollars,"

Have instructed me to report that they have amended the bill agreeably to instructions.

Which report was concurred in.

On the passage of the bill,

The ayes and noes being called for by Messrs. Chapman of Laporte and Barbour,

*Those who voted in the affirmative are,*

Messrs. Akin, Allison, Berry of Franklin, Bowers, Buell, Chapman of Daviess, Coffin, Davis, Edmonson, English, Goodenow, Hamer, Handy, Hardin, Herriman, Howell, Jackson, Jones, Lane, Leviston, Logan, Major, Miller, Montgomery, Orth, Pomeroy, Read, Rockhill, Winchell, and Wood—30.

*Those who voted in the negative are,*

Messrs. Barbour, Berry of Monroe, Bradbury, Chenowith, Chapman of Laporte, Cuppy, Ellis, Hamrick, Henry, Holloway, Moore, Morgan of Decatur, Morgan of Rush, Murphey, Parks, Reyburn, Verbriek, and Zenor—17.

So the bill was passed.

Mr. Jackson, from a select committee, submitted the following report:

MR. PRESIDENT:

The select committee to whom was referred bill of the House of Representatives No. 196, to extend the provisions of an act therein named to Madison county, have had that subject under consideration, and have directed me to report it back to the Senate and recommend its passage.

On motion by Mr. Jackson,

The rules were suspended, and the bill read a third time and passed.



Mr. Major, from a select committee, submitted the following report:

Mr. President:

The select committee to whom was referred bill of the House No. 183, entitled, "An act to correct the boundary line of Richardville county," have, according to order, had that subject under consideration, and have directed me to report the same back to the Senate, without amendment, and respectfully recommend its passage.

The bill was ordered to a third reading.

Mr. Akin, from a select committee, submitted the following report:

Mr. President:

The select committee to whom was referred the petition of Matilda Knight and one hundred and five other citizens of Clay county, praying that the said Matilda may be divorced from her husband, Samuel Knight, have had the same under consideration, and have instructed me to report the following bill and recommend its passage:

No. 166. A bill to divorce Matilda Knight, of Clay county, from her husband, Samuel Knight;

Which was read a first and second times, the rules being suspended, and ordered to a third reading.

Mr. Davis, from a select committee, submitted the following report:

Mr. President:

The select committee to whom was referred the petition of Alexander O'Neal and five hundred and fifty others, praying the passage of a law authorizing the voters in the several townships in Floyd county to determine whether intoxicating liquors shall be sold therein, have had the same under consideration, and have directed me to report the following bill and recommend its passage.

No. 167. A bill in relation to vending intoxicating liquors in Floyd county;

Which was read a first time.

On motion by Mr. Davis,

The rules were suspended, and the bill read a second time and ordered to be engrossed for a third reading.

Mr. Parks, from a select committee, submitted the following report:

Mr. President:

The select committee to whom was referred the petition of C. C. Hamilton and others, of the county of Morgan, praying for a charter to authorize a company to construct a railroad from Martinsville, in said county, to Franklin, in Johnson county, have, according to order, had the same under consideration, and have directed me to report the following bill and recommend its passage:

No. 168. A bill to provide for the construction of a railroad from Martinsville to Franklin, in Johnson county;

Which was read a first and second times, the rules being suspended, and,

On motion by Mr. Lane,

Referred to the committee on corporations.

Mr. Lane, from a select committee, submitted the following report:

Mr. President:

The select committee to which was referred a petition of sundry citizens of Vanderburgh county, praying for a divorce therein named, have had the same under consideration, and have directed me to report a bill in accordance thereto:

No. 169. A bill for the relief of Moses Noble, of Vanderburgh county;

Which was read a first time and ordered to a second reading.

Mr. Holloway, from a select committee, submitted the following report:

Mr. President:

The select committee to whom was referred, with instructions, a bill for the charter of the Richmond and Miami railroad, have made the corrections ordered, and recommend its passage.

Mr. Holloway moved to amend the bill as follows:

Section one, strike out the words, "and such associates as may hereafter be appointed by the Legislature of the State of Ohio, not exceeding ten in number."

Section twelve, strike out the words, "and to intersect the Miami railroad at Springfield or Xenia, in the State of Ohio, or any intermediate point on said railroad," and insert, "to the Indiana and Ohio State line, for the purpose of connecting with a railroad proposed to be made in the State of Ohio to the State line."

Which amendments were adopted.

The bill was then read a third time and passed.



Mr. Montgomery, from a select committee, submitted the following report:

**MR. PRESIDENT:**

The select committee, to whom was referred the petition of citizens of Tippecanoe county, have examined the subject, and directed me to report the accompanying bill and recommend its passage:

No. 170. A bill to extend the Burlington and Lafayette State road;

Which was read a first time.

On motion by Mr. Pomeroy,

The rules were suspended, and the bill read a second time and ordered to be engrossed for a third reading.

Mr. Pomeroy, from a select committee, submitted the following report:

**MR. PRESIDENT:**

The select committee, to whom was referred a bill of the House No. 223, entitled, "An act declaring a mistake in the Revised Statutes of 1843, in relation to the boundaries of Kosciusko and Fulton counties, and for other purposes," have had the same under consideration, and instructed me to report the same back to the Senate and very respectfully recommend its passage:

Mr. Rockhill moved to lay the bill upon the table;

Which motion did not prevail.

The bill was then ordered to a third reading.

Mr. Pomeroy, from a select committee, submitted the following report:

**MR. PRESIDENT:**

The select committee to whom was referred the petitions of Sarah Gregory, praying for a divorce from Charles Gregory, her husband, have had the same under consideration, and requested me to report the accompanying bill and very respectfully recommend its passage:

No. 171. A bill for the relief of Sarah Gregory, of Laporte county;

Which was read a first time and ordered to a second reading.

Mr. Pomeroy, from a select committee, submitted the following report:

**MR. PRESIDENT:**

The select committee, to whom was referred the joint resolution entitled, "A joint resolution instructing our Senators and requesting our Representatives in Congress, to vote for an appropriation on the St. Joseph river," have had the same under consideration, and have instructed me to report, that the said committee find all the averments contained in the preamble of said joint resolution to be true, and believe it is important to the public interests of Indiana to improve the said St. Joseph river, and therefore report the said joint resolution back to the Senate, and very respectfully recommend its passage.

The joint resolution was ordered to a third reading.

Mr. Zenor, from a select committee, submitted the following report:

**MR. PRESIDENT:**

The select committee, to whom was referred a bill, No. 28, of the House of Representatives, for the relief of purchasers of school lands in Harrison and Orange counties, have had that subject under consideration, and have instructed me to report the same back to the Senate with one amendment, and, when adopted, recommend its passage:

Amend by striking out so much of the 5th section as relates to the purchasers of the French Lick saline lands in the county of Orange.

Which report was concurred in.

The bill was then ordered to a third reading.

Mr. Chapman of Laporte, from a select committee, submitted the following report:

**MR. PRESIDENT:**

The select committee to whom was referred the petition of the board of commissioners of the county of Laporte, have had the same under consideration, and have directed me to report the following bill and recommend its passage:

No. 175. A bill in relation to the Laporte county library;

Which was read a first and second times, the rules being suspended, and ordered to a third reading.

On motion by Mr. Buell,

The report of Mr. Parks, from the committee on education, made a few days ago, in relation to the acts of the Sinking Fund commissioners, was taken from the table.



On motion by Mr. Buell,

The report was then laid upon the table, and 100 copies ordered to be printed for the use of the Senate.

Mr. Holloway, from a select committee, submitted the following report:

MR. PRESIDENT:

The select committee, to whom was referred the petition of sundry citizens of Wayne county, asking a charter for a turnpike road from Williamsburg to Hagerstown in said county, have had the same under their consideration, and have directed me to report the following bill and recommend its passage:

No. 173. A bill to incorporate the Greensfork and Hagerstown Turnpike Company;

Which was read a first and second times, the rules being suspended, and,

On motion by Mr. Holloway,

Referred to the committee on corporations.

Mr. Wood offered the following resolution:

WHEREAS, By the 26th section of the charter of the State Bank of the State of Indiana, there is reserved to the Legislature the right of appointing an agent to examine said bank and branches: AND WHEREAS, At a time when banking institutions are in the best credit that credit is of itself a temptation to its abuse, as the history of the past in numerous instances proves, therefore,

*Resolved*, That the committee on corporations be and they are hereby instructed to enquire into the expediency of providing by law for the appointment of an agent, with full power and authority to carry out the intention of such provision in said charter, making it the duty of such agent to examine and report the true condition of the branches, their debts and assets, their discounts and deposits, the names of all the borrowers and their endorsers, their solvency, &c., and report all other matters and things in relation to said bank and branches as will give the Legislature and people a full knowledge of the true condition thereof.

Which was adopted.

Mr. Allison offered the following resolution:

*Resolved*, That the committee on public buildings, be instructed to enquire into the expediency of authorizing by law, the State Librarian, to cause to be insured, at some safe insurance office, the State House, and other property belonging to the State, at Indianapolis; also, to enquire at what expense the same may be done, with leave to report by bill or otherwise.

Which was adopted.

The following resolution was offered by Mr. Logan:

*Resolved*, That his Excellency, the Governor, be, and he is hereby respectfully requested to lay before the Senate, at as early a day as practicable, such information as he may be in possession of in relation to the contract with Joseph Irwin of Indianapolis, for materials furnished, and repairs done on the State House during the past year.

Which was adopted.

The following resolution was offered by Mr. Handy:

*Resolved*, That the President of the State Bank of Indiana, be requested to transmit to the Senate, at his earliest convenience, the order, or entry made on the books of the State Board, *rejecting* the act of the General Assembly, entitled "An act to provide, in part, for the payment of the interest on the public debt, and to increase the stock of the State, in the State Bank, and to authorize said bank to issue notes of a less denomination than five dollars," approved February 6, 1841. And that the President of the State Bank, be likewise requested to transmit to the Senate, at the same time the order or entry made on the books of the State Board *accepting* the provisions of the act, approved February 15, 1841, entitled "An act to amend an act, approved February 6, 1837, entitled an act to provide for distributing so much of the surplus revenue of the United States, as the State of Indiana may be entitled to and receive, by virtue of an act of Congress, approved June 23d, 1836."

Which was adopted.

Mr. Parks gave notice, that on to-morrow, he should offer a resolution, fixing the time of the meeting of the Senate, at half past eight o'clock in the morning, and half past one o'clock in the afternoon, of each day, during the remainder of the session.

Mr. Jackson offered the following resolution:

*Resolved*, That the committee on canals and internal improvements, be instructed to enquire into the expediency of increasing the rates of tolls on the New Albany and Vincennes road, with leave to report by bill or otherwise.

Which was adopted.

On motion,

The Senate adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

The Senate met;

And proceeded to the consideration of the messages of the House of Representatives:



No. 234. A bill to amend an act entitled "An act to incorporate the city of Fort Wayne, and for revising and repealing all laws and parts of laws heretofore enacted on that subject;"

Read a first and second times, the rules being suspended, and referred to a select committee of Messrs. Herriman, Rockhill, and Cuppy.

No. 236. A bill to amend the 10th article of the 40th chapter of the Revised Statutes of 1843;

Read a first and second times, the rules being suspended, and referred to the committee on the judiciary.

No. 251. A bill for the relief of Alexander J. Line, of Wayne county;

Read a first and second times, the rules being suspended, and referred to the committee on the judiciary.

No. 270. A bill to assess a school tax in the counties of Adams and Jay;

Read a first and second times, the rules being suspended, and referred to a select committee of Messrs. Herriman, Rockhill, and Wood.

No. 252. A bill for the relief of certain purchasers of school lands, in Lost creek township, in Vigo county;

Read a first and second times, the rules being suspended, and referred to the committee on education.

No. 245. A bill relative to tax titles;

Read a first and second times, the rules being suspended, and referred to the committee on the judiciary.

No. 248. A bill prescribing the mode of advertising sales of lands returned delinquent for non-payment of taxes;

Read a first and second times, the rules being suspended, and referred to the committee on the judiciary.

No. 279. A bill for the relief of Sarah Wallace;

Read a first time, and ordered to a second reading.

No. 55. A bill in relation to the issuing of executions;

Read a first and second times, and referred to the committee on the judiciary.

No. 253. A bill changing the name of Dobsonville in Jefferson county, to that of Chambersburgh;

Read, and ordered to a second reading.

No. 169. A bill to incorporate the Hagerstown Musical Institute;

Read a first and second time, the rules being suspended, and referred to the committee on corporations.

No. 260. A bill for the relief of James Vawter;

Read a first and second times, the rules being suspended, and referred to the committee on claims.

No. 141. A bill to allow owners of partnership fences, to remove the same;

Read a first and second times, the rules being suspended, and referred to the committee on agriculture.

No. 254. A bill authorizing John Hawenstein, his heirs and assigns, to keep and improve his mill premises;

Read a first time, and ordered to a second reading.

No. 207. A bill for the benefit of supervisors in Scott county;

Read, and ordered to a second reading.

No. 206. A bill for the relief of James Miller;

Read a first and second times, the rules being suspended, and referred to the committee on education.

No. 287. A bill to change that part of the New Albany and Crawfordsville McAdamized road, which lies between Salem and New Albany, to a railroad;

Read a first time, and ordered to a second reading.

No. 289. A bill establishing a State road in the counties of Montgomery and Fountain;

Read a first time and ordered to a second reading.

No. 172. A bill to incorporate the Union Medical Society of Northern Indiana;

Read a first time and ordered to a second reading.

No. 240. A bill providing for the erection of a road bridge on the Wabash and Erie canal;

Read a first and second times, the rules being suspended, and referred to the committee on canals and internal improvements.

No. 257. A bill to correct the boundary line of Carroll county;

Read a first and second times, the rules being suspended, and ordered to a third reading.

No. 269. A bill for the relief of purchasers of canal lands;

Read a first time and ordered to a second reading.

No. 261. A bill locating a State road in the counties of Fulton and Marshall;

Read a first time and ordered to a second reading.

No. 70. A bill to incorporate the Evansville Medical Society, and to authorize said medical society to organize and establish a medical college;

Read a first and second times, the rules being suspended, and referred to the committee on corporations.

No. 336. A bill to authorize the sale of certain school land in township thirty-six, range two west, in Laporte county;

Read a first, second, and third times, the rules being suspended, and passed.

No. 315. A bill to define the powers of judges when acting on writs of habeas corpus, and application for writs of injunctions;

Read a first and second times, the rules being suspended, and referred to the committee on the judiciary.

No. 306. A bill for the relief of Eliza Ann Storm of Marion county;

Read a first time and ordered to a second reading.

No. 303. A bill to require plaintiffs in Washington county to give security for costs in certain cases;



Read a first time and ordered to a second reading.

No. 295. A bill to amend an act incorporating the city of New Albany, approved February 14, 1839;

Read a first time and ordered to a second reading.

No. 300. A bill concerning road tax in the county of Wells;

Read a first time and ordered to a second reading.

No. 302. A bill to vacate the town of Blakesburg in Putnam county;

Read a first time and ordered to a second reading.

No. 277. A bill to prevent county auditors from practising as attorneys at law in the county commissioners' court;

Read a first time and ordered to a second reading.

No. 4. A bill for the relief of David Stoner and others;

Read a first time and ordered to a second reading.

No. 12. A bill to amend an act entitled, "An act incorporating the Michigan Road Company," approved January 13, 1845;

Read a first and second times, the rules being suspended, and referred to the committee on corporations.

No. 271. A bill to locate a State road in the counties of Ohio and Switzerland;

Read a first time and ordered to a second reading.

No. 231. A bill for the relief of Benjamin Powell and the heirs of Harrison Barnett, deceased;

Read a first time and ordered to a second reading.

No. 272. A bill to extend an act to provide for the transfer of the surplus revenue fund, &c., approved February 11, 1843;

Read a first and second times, the rules being suspended, and referred to the committee on the judiciary.

No. 205. A bill to amend an act entitled, "An act to incorporate the Michigan Road Company";

Read a first time and ordered to a second reading.

No. 225. A bill to incorporate the Hoosier Band, of Greenfield;

Read a first time and ordered to a second reading.

No. 283. A bill allowing the commissioner of the Wabash and Erie canal to employ an engineer, and for other purposes;

Read a first time and ordered to a second reading.

No. 249. A bill for the relief of John B. Coleman and others, of Daviess county;

Read a first and second times, the rules being suspended, and referred to a select committee of Messrs. Chapman of Daviess, Ellis, and Buell.

No. 280. A joint resolution in relation to the public lands in the Vincennes district in the State of Indiana;

Read a first time and ordered to a second reading.

No. 268. A bill relative to the duties of county recorder;

Read a first time and ordered to a second reading.

No. 278. A bill to provide for the election of county surveyors in Fulton and Marshall counties;

Read a first time and ordered to a second reading.

No. 274. A bill for the relief of purchasers of school lands in Fulton county;

Read a first time and ordered to a second reading.

No. 255. A bill in relation to evidence in cases where records have been destroyed by fire;

Read a first time and ordered to a second reading.

No. 256. A bill to repeal the ninety-second, ninety-third, and ninety-fourth sections of chapter fifteen, of the Revised Statutes of 1843, and to amend the law making it the duty of the county boards to examine the several trust funds at the March session;

Read a first and second times, the rules being suspended, and referred to the committee on the judiciary.

No. 65. A bill to attach certain territory therein named to the county of Jennings for road purposes;

Read a first time and ordered to a second reading.

No. 91. A bill relative to treason and murder in the first degree;

Read a first and second times, the rules being suspended, and referred to the committee on the judiciary.

No. 139. A bill to amend the first article of the fifty-third chapter of the Revised Statutes of 1843, and for other purposes;

Read a first and second times, the rules being suspended, and referred to the committee on the judiciary.

No. 166. A bill to amend an act entitled, "An act to incorporate the Vevay and Napoleon Turnpike Company, approved February 8, 1836," approved January 15, 1844;

Read a first time and ordered to a second reading.

No. 285. A bill granting the right of way to a company to construct a rail or turnpike road therein named in Vermillion county;

Read a first and second times, the rules being suspended, and referred to a select committee of Messrs. Chenowith, Coffin, and Montgomery.

No. 296. A bill to locate a State road in the counties of Miami and Madison;

Read a first time and ordered to a second reading.

No. 299. A bill for the relief of Susan Whearly, of Hamilton county;

Read a first time and ordered to a second reading.

No. 305. A bill for the relief of Robert Stockwell, of Gibson county;

Read a first time and ordered to a second reading.

No. 308. A bill legalizing the acts of certain justices of the peace in Allen county;

Read a first time and ordered to a second reading.

No. 310. A bill in relation to the granting of tavern licenses in the county of Cass;

Read a first time and ordered to a second reading.



No. 311. A bill amendatory of the third article, sixteenth chapter, section ninety, of the Revised Statutes of 1843, so far as relates to the counties of Cass and Tippecanoe;

Read a first and second times, the rules being suspended, and referred to the committee on the judiciary;

No. 312. A bill declaratory of an act therein named;

Read a first and second times, the rules being suspended, and referred to the committee on the judiciary.

No. 313. A bill for the relief of Martha Jane Van Dusen, of Vanderburgh county;

Read a first time and ordered to a second reading.

No. 316. A bill authorizing district and township trustees, to administer oaths in certain cases;

Read a first and second times, the rules being suspended, and referred to the committee on the judiciary.

No. 317. A bill for the relief of the heirs of Henry Stephenson, deceased, late of Brown county;

Read a first time, and ordered to a second reading.

No. 318. A bill relative to apprentices;

Read a first and second times, the rules being suspended, and referred to the committee on education.

No. 325. A bill to relocate a part of a certain State road in Marion county;

Read a first time, and ordered to a second reading.

No. 326. A bill to abolish the necessity of special legislation in the counties of Adams and Jay;

Read a first time, and ordered to a second reading.

No. 342. A bill for the relief of Lucinda Sparks, of Floyd county;

Read a first time, and ordered to a second reading.

No. 265. A bill limiting the time within which actions for the recovery of real estate shall be commenced;

Read a first and second times, the rules being suspended, and referred to the committee on the judiciary.

No. 250. A bill to incorporate the Ohio and Indianapolis railroad company;

Read a first and second times, the rules being suspended.

Mr. Goodenow moved to refer the bill to the committee on canals and internal improvements, with instructions to enquire whether the interest the State has in the Madison and Indianapolis railroad, will not be injured thereby;

Which motion did not prevail.

The bill was then referred to the committee on corporations.

No. 3. A bill (of the Senate) to authorize the holding of special terms of the circuit court in the 12th judicial circuit;

Referred, with the amendment of the House of Representatives, to the committee on the judiciary.

No. 66. A bill to extend further time to borrowers of the sinking fund.

On motion of Mr. Buell,  
The bill and amendments of the House of Representatives, were laid upon the table.

No. 65. A bill (of the Senate) for the relief of Thomas Murphey;

The following engrossed amendment of the House of Representatives, was concurred in by the Senate:

"Amend the bill in the first section, by striking out, 'three hundred and fifteen dollars, and seventy-two cents,' and insert in lieu thereof, the words, 'five hundred and sixteen dollars and seventy-nine cents.'"

No. 116. A bill to authorise the people of Fayette and other counties therein named, to elect their seminary trustees.

The Senate concurred in the following engrossed amendment of the House of Representatives:

"In first section, after the words, 'St. Joseph and Parke,' add, 'the counties of Orange, Adams, and Jay.'"

No. 184. A bill to incorporate the White river navigation company;

Read a first and second times, the rules being suspended, and referred to a select committee of Messrs. Hamer, Ellis, Edmonson, Chapman of Daviess, and Miller.

No. 28. (A bill of the Senate.) A bill to incorporate the Rising Sun manufacturing company.

The Senate then concurred in the following engrossed amendment of the House of Representatives.

Strike out the words, "paid in" in the 13th section of said bill.

No. 9. A joint resolution on the subject of the Oregon boundary.

Read a third time.

On the passage of the joint resolution,

The ayes and noes being called for by Messrs. Ellis and Herriman,

*Those who voted in the affirmative are,*

Messrs. Akin, Barbour, Berry of Franklin, Berry of Monroe, Buell, Chapman of Daviess, Chapman of Laporte, Cuppy, Edmonson, English, Handy, Hardin, Henry, Herriman, Howell, Jackson, Jones, Lane, Leviston, Logan, Major, Miller, Parks, Read, Rockhill, and Wood—26.

*Those who voted in the negative are,*

Messrs. Allison, Bowers, Bradbury, Chenowith, Coffin, Davis, Ellis, Goodenow, Hamer, Holloway, Montgomery, Moore, Morgan of Decatur, Morgan of Rush, Murphey, Orth, Pomeroy, Todd, Verbrake, Winchell, and Zenor—21.

So the joint resolution was passed.



No. 12. A joint resolution of the Senate for the continuation and completion of the Cumberland road;

Read a second time.

On motion by Mr. Chapman of Laporte,

The words "lands or" were stricken out of said resolution.

Mr. Holloway moved to reconsider the vote by which the words, "lands or," were stricken out.

The ayes and noes being called for by Messrs. Chapman of Laporte, and Holloway.

*Those who voted in the affirmative are,*

Messrs. Allison, Bradbury, Coffin, Davis, Ellis, Goodenow, Hamer, Hamrick, Holloway, Montgomery, Moore, Morgan of Decatur, Morgan of Rush, Murphey, Orth, Todd, Verbribe, Winchell, and Zenor—19.

*Those who voted in the negative are,*

Messrs. Akin, Barbour, Berry of Franklin, Berry of Monroe, Buell, Chapman of Daviess, Chapman of Laporte, Cuppy, Edmonson, English, Handy, Hardin, Henry, Herriman, Howell, Jackson, Jones, Lane, Leviston, Logan, Major, Miller, Parks, Pomeroy, Read, Rockhill, and Wood—27.

So the vote was not reconsidered.

The bill was then read a third time, the rules being suspended, and passed.

On motion by Mr. Edmonson,

No. 158. A bill (of the Senate) in relation to the sale of property on execution,

Was taken from the table.

Mr. Lane moved to indefinitely postpone the bill.

The ayes and noes being called for by Messrs. Chapman of Laporte, and Ellis.

*Those who voted in the affirmative are,*

Messrs. Akin, Chapman of Daviess, Coffin, Ellis, English, Hamrick, Handy, Howell, Jackson, Jones, Lane, Major, Miller, Montgomery, Rockhill, Todd, Verbribe, and Wood—18.

*Those who voted in the negative are,*

Messrs. Allison, Barbour, Berry of Monroe, Bowers, Bradbury, Buell, Chapman of Laporte, Cuppy, Davis, Goodenow, Hamer, Hardin, Henry, Herriman, Holloway, Leviston, Logan, Moore, Morgan

of Decatur, Morgan of Rush, Murphey, Orth, Parks, Pomeroy, Read, Winchell, and Zenor—27.

So the bill was not indefinitely postponed.

Mr. Buell moved to amend the bill as follows:

"That on all debts contracted after the first day of next July there shall be no stay of execution."

Pending which,

Mr. Handy moved to lay the bill and pending amendment on the table;

Which motion did not prevail.

Mr. Handy then moved to postpone the consideration of the bill and pending amendment until Monday next.

The ayes and noes being called for by Messrs. Handy and Chapman of Laporte,

*Those who voted in the affirmative are,*

Messrs. Berry of Franklin, Chapman of Daviess, Coffin, Ellis, English, Hamer, Hamrick, Handy, Howell, Jackson, Lane, Major, Miller, Montgomery, Todd, and Verbribe—16.

*Those who voted in the negative are,*

Messrs. Akin, Allison, Barbour, Berry of Monroe, Bowers, Bradbury, Buell, Chapman of Laporte, Cuppy, Davis, Edmonson, Goodenow, Hardin, Henry, Herriman, Holloway, Jones, Leviston, Logan, Moore, Morgan of Decatur, Morgan of Rush, Murphey, Orth, Parks, Pomeroy, Read, Rockhill, Winchell, Wood, and Zenor—31.

So the motion to postpone did not prevail.

On motion by Mr. Parks,

The bill and pending amendment were referred to a select committee of Messrs. Parks, Chapman of Laporte, Coffin, Buell, and Pomeroy.

Mr. Wood moved to take from the table,

No. 87. A bill to amend the law regulating the practice in the 11th judicial circuit;

Which motion prevailed.

On motion by Mr. Jackson,

The bill was then referred to a select committee of Messrs. Jackson, Wood and Rockhill.

No. 114. A bill to amend the act relative to the asylum for the education of the deaf and dumb;

Mr. Todd moved that there be a call of the Senate;

Which was ordered.

On motion by Mr. Parks,

The further call was suspended.

The amendment of Mr. Parks, strike out "Marion" and "Indi-



anapolis," wherever they occur in the bill, and insert "Monroe" and "Bloomington," was pending when the bill was last under consideration.

Mr. Buell moved to lay the bill and pending amendment upon the table;

The ayes and noes being called for by Messrs. Handy and Buell,

*Those who voted in the affirmative are,*

Messrs. Akin, Allison, Berry of Franklin, Berry of Monroe, Bradbury, Buell, Chapman of Daviess, Chenowith, Coffin, Davis, English, Hamer, Hamrick, Howell, Jackson, Lane, Leviston, Logan, Major, Miller, Morgan of Decatur, Orth, Parks, Pomeroy, Read, Todd, Verbriek, Winchell, Wood, and Zenor—31.

*Those who voted in the negative are,*

Messrs. Barbour, Bowers, Chapman of Laporte, Cuppy, Edmonson, Ellis, Goodenow, Handy, Hardin, Henry, Herriman, Holloway, Jones, Montgomery, Moore, Morgan of Rush, Murphey, and Rockhill—18.

So the bill and amendment were laid upon the table.

Mr. Herriman moved to reconsider the vote refusing to pass,

No. 126. A bill to dissolve the bonds of matrimony between Jared S. Ryker and Thuresey Ann Ryker, of Jefferson county;

The ayes and noes being called for by Messrs. Herriman and Handy,

*Those who voted in the affirmative are,*

Messrs. Akin, Berry of Monroe, Chapman of Daviess, Chapman of Laporte, Coffin, Cuppy, Davis, Edmonson, Ellis, English, Goodenow, Handy, Hardin, Henry, Herriman, Howell, Jackson, Lane, Leviston, Major, Miller, Montgomery, Moore, Parks, Pomeroy, Read, Rockhill, Todd, Winchell, Wood, and Zenor—31.

*Those who voted in the negative are,*

Messrs. Allison, Barbour, Bowers, Bradbury, Buell, Chenowith, Hamer, Hamrick, Holloway, Jones, Logan, Morgan of Decatur, Morgan of Rush, Murphey, Orth, and Verbriek—16.

So the vote was reconsidered.

On the passage of the bill,

The ayes and noes being called for by Messrs. Morgan of Decatur and English,

*Those who voted in the affirmative are,*

Messrs. Akin, Berry of Franklin, Berry of Monroe, Chapman of Daviess, Chapman of Laporte, Coffin, Cuppy, Davis, Edmonson, English, Handy, Hardin, Henry, Herriman, Howell, Jackson, Lane, Leviston, Major, Montgomery, Parks, Pomeroy, Read, Todd, Winchell, Wood, and Zenor—27.

*Those who voted in the negative are,*

Messrs. Allison, Barbour, Bowers, Bradbury, Buell, Chenowith, Ellis, Hamer, Hamrick, Holloway, Jones, Logan, Miller, Moore, Morgan of Decatur, Morgan of Rush, Murphey, Orth, Rockhill, and Verbriek—19.

So the bill was passed.

Mr. Berry of Monroe introduced,

No. 174. A bill to provide for the appointment of township assessors for the counties of Monroe and Morgan;

Which was read a first and second times, the rules being suspended, and ordered to a third reading.

Mr. Buell introduced,

No. 175. A bill to change the mode of doing probate business, and to re-organize the circuit courts;

Which was read a first and second times, the rules being suspended, and referred to the committee on the judiciary.

Mr. Ellis introduced,

No. 176. A bill to authorize the president and trustees of the town of Lafayette to open and grade streets and construct sidewalks in said town;

Which was read a first, second and third times, the rules being suspended, and passed.

Mr. Todd, from a select committee, submitted the following report:

MR. PRESIDENT:

The select committee, to whom was referred the petition of Henry P. Todd and Frances Phillips, administrator and administratrix of the estate of Israel Phillips, deceased, have considered the same, and have directed me to report the following bill and recommend its passage:

No. 177. A bill for the relief of the estate of Israel Phillips, late of Marion county;

Which was read a first and second times, the rules being suspended, and ordered to a third reading.



Mr. Ellis introduced,

No. 178. A bill to amend an act entitled, "An act to incorporate the Lafayette Bridge Company";

Which was read a first and second times, the rules being suspended, and ordered to be engrossed for a third reading.

Mr. Jones introduced,

No. 179. A bill to amend the 109th section of the sixteenth chapter of the Revised Statutes of 1843, on the subject of the road tax;

Which was read a first time and ordered to a second reading.

Mr. Winchell introduced,

No. 180. A bill to dissolve the bonds of matrimony existing between William Beckford and Elizabeth Beckford, his wife;

Which was read a first time and ordered to a second reading.

Mr. Chapman of Daviess introduced,

No. 181. A bill to amend "An act to confine voters to their own townships," approved January 13, 1845;

Which was read a first time and ordered to a second reading.

Mr. Coffin introduced,

No. 182. A bill to incorporate the Rockville and Montezuma Railroad Company;

Which was read a first and second times, the rules being suspended, and referred to the committee on corporations.

Mr. Hamrick introduced,

No. 183. A bill authorizing certain proceedings to correct the records of the several circuit and probate courts;

Which was read a first and second times, the rules being suspended, and referred to the committee on the judiciary.

Mr. Goodenow introduced,

No. 184. A bill to charter the Alumni of Hanover College;

Which was read a first and second times, the rules being suspended, and referred to the committee on corporations.

Mr. Jones introduced,

No. 185. A bill to incorporate the Covington Band of Musicians;

Which was read a first and second times, the rules being suspended, and referred to the committee on corporations.

Mr. Rockhill introduced,

No. 186. A bill to extend the provisions of a certain act to the county of Allen;

Which was read a first time and ordered to a second reading.

Mr. Hardin introduced,

No. 187. A bill to amend the fifteenth chapter of the Revised Statutes, and to repeal sections of said chapter;

Which was read a first and second times, the rules being suspended, and referred to the committee on the judiciary.

Mr. Cuppy introduced,

No. 188. A bill to extend an act entitled, "An act to provide for a more efficient mode of expending the road tax in the several coun-

ties therein named," approved January 15, 1844, to the county of Kosciusko;

Which was read a first and second times, the rules being suspended, and ordered to be engrossed for a third reading.

Mr. Leviston introduced,

No. 189. A bill to amend an act entitled, "An act to provide for the election of prosecuting attorneys by the people";

Which was read a first time and ordered to a second reading.

Mr. Verbriek introduced,

No. 190. A bill for electing a justice of the peace in Hendricks county;

Which was read a first time and ordered to a second reading.

Mr. Chapman of Daviess introduced,

No. 191. A bill for the relief of Ann Evans, of Martin county;

Which was read a first time and ordered to a second reading.

Mr. Pomeroy introduced,

No. 192. A bill legalizing a certain record of the board of commissioners of Marshall county;

Which was read a first time and ordered to a second reading.

Mr. Goodenow introduced,

No. 193. A bill for the relief of V. & J. King and others;

Which was read a first time and ordered to a second reading.

Mr. Miller introduced,

No. 194. A bill for the relief of Peter J. Clark, of Morgan county;

Which was read a first time and ordered to a second reading.

Mr. Pomeroy introduced,

No. 195. A bill in relation to certificates and patents of Michigan road lands;

Which was read a first time and ordered to a second reading.

Mr. Chapman of Laporte introduced,

No. 196. A bill to incorporate the "Indiana Medical Society," and for other purposes;

Which was read a first and second times, the rules being suspended, and referred to the committee on corporations.

Mr. Holloway introduced,

No. 197. A bill to amend an act entitled, "An act regulating the fees and salaries of the several officers and persons therein named," approved February 7, 1831;

Which was read a first time and ordered to a second reading.

Mr. Berry of Monroe introduced,

No. 198. A bill giving additional time to the probate court in Monroe county;

Which was read a first time and ordered to a second reading.

Mr. Verbriek introduced,

No. 14. A joint resolution directing an insurance on the State House and other State property;

Which was read a first time and ordered to a second reading.



Mr. Berry of Franklin introduced, No. 199. A bill to incorporate the Mount Carmel Hall of Liberty, in Franklin county;

Which was read a first and second times, the rules being suspended, and referred to the committee on corporations.

On motion,  
The Senate adjourned.

## TUESDAY MORNING, JAN. 6, 1846.

The Senate assembled.

The Journal of the preceding day was read.

Mr. English presented the petition of Alfred Amick and others, of Scott county, praying for the relief of Jacob A. Jackson.

On motion by Mr. English,  
The petition was referred to a select committee of Messrs. English, Handy, and Jackson.

Mr. Buell presented the petition of Walter Hays, of Dearborn county, praying for relief; which,

On motion by Mr. Buell,  
Was referred to the committee on the judiciary.

Mr. Handy, from the committee on education, submitted the following report:

MR. PRESIDENT:

The committee on education, to whom was referred bill of the Senate No. 160, entitled, "A bill for the relief of John C. Parker," have had the same under consideration, and have directed me to report it back to the Senate and recommend its indefinite postponement.

Which report was not concurred in.

On motion by Mr. Read,  
The bill was recommitted to the committee on education.

Mr. Todd, chairman of the committee on education, submitted the following report:

MR. PRESIDENT:

The committee on education, to whom was referred bill of the House No. 110, entitled, "An act to authorize a reappraisement and sale of school lands in this State," have had the said bill under consideration, and directed me to report the same back to the Senate and recommend its passage.

The bill was then ordered to a third reading.

Mr. Handy, from the committee on education, submitted the following report:

MR. PRESIDENT:

The committee on education, to whom was referred bill of the House No. 164, entitled, "A bill for the relief of purchasers of school lands in Randolph county," have had the same under consideration, and have directed me to report the same back and recommend its passage.

On motion by Mr. Buell,

The bill was recommitted to the committee on the judiciary.

Mr. Hardin, from the committee on education, submitted the following report:

MR. PRESIDENT:

The committee on education, to whom was referred a bill of the House No. 241, have instructed me to report the same to the Senate and recommend its passage.

The bill was then ordered to a third reading.

Mr. Edmonson, chairman of the committee on corporations, submitted the following report:

MR. PRESIDENT:

The committee on corporations, to whom was referred bill of the Senate No. 156, have had the same under consideration, and have directed me to report the same back and recommend its passage.

On motion by Mr. Edmonson,

The rules were suspended, and the bill read a third time and passed.

Mr. Handy, from the committee on corporations, submitted the following report:



MR. PRESIDENT:

The committee on corporations, to whom was referred bill of the Senate No. 185, entitled, "An act to incorporate the Covington Band," have had the same under consideration, and have directed me to report it back and recommend its passage.

The bill was ordered to a third reading.

Mr. Berry of Franklin, from the committee on corporations, submitted the following report:

MR. PRESIDENT:

The committee on corporations, to whom was referred a bill entitled, "A bill to incorporate the Rockville and Montezuma Railroad Company," have had that subject under consideration, and directed me to report it back to the Senate with amendments, which, when adopted, they recommend its passage:

Add "SEC. —. The directors of said company that shall contract any debts to laborers for work done upon said road, shall be liable, in their individual capacity, for the payment of all such debts which are not paid by the company in its corporate capacity when due."

Amend section 31 by adding:

"And the Legislature reserves the right to alter or amend this charter whenever public good may require, or its franchises prove oppressive to the people where they are exercised."

Mr. Chapman of Laporte called for a division of the question on the adoption of the amendments.

The question recurring on the adoption of the first amendment, It was decided in the affirmative.

The question then recurring upon the adoption of the second amendment,

It was also decided in the affirmative.

The bill, as amended, was then ordered to be engrossed for a third reading.

Mr. Akin, chairman of the committee on finance, submitted the following report:

MR. PRESIDENT:

The committee on finance, to whom was referred the report of the commissioners of the Hospital for the Insane, have had the subject under careful consideration, and direct me to report, that they have examined the proceedings of the commissioners, and find that their duties have been faithfully and efficiently performed.

The plan of building recommended and described in their report, which they have devised at the expense of much time and a thorough investigation of the subject, it is believed will provide room for patients with as little expense as has been done in any hospital with which we are acquainted; and yet, though plain, it will make a building of which the State will not need to be ashamed.

By a careful estimate of the expense of erecting on the plan proposed, we find that it will cost but little more, in proportion to the number of patients to be accommodated, than did the New Hampshire asylum for the insane, of which, in their second annual report the trustees say: "It appears from the cost of eleven other asylums for the insane, in different parts of the United States, including lands, buildings and furniture attached to each that the New Hampshire asylum has cost but little more than one quarter of the average cost of the other asylums for each patient they will accommodate, and one third less than the cheapest." So that on this plan the Indiana hospital for the insane will be in point of cheapness next to the cheapest.

Its provisions will be extremely convenient and well arranged.

Its size, agreeably to the probable wants of the State, comparing Indiana with Ohio, Kentucky, and other States, and judging from the demands for admission into their hospitals, is at least as small as would be consistent with the facts in the case; and it is presumed that no member of the General Assembly would be in favor of the short-sighted policy of erecting buildings knowing that they would not meet the wants of the State. The Ohio Lunatic asylum will accommodate three hundred and fifty patients, that of Kentucky over two hundred, and this proposes to provide for one hundred and fifty. The commissioners have wisely made provisions for the further extension of the buildings should it hereafter become necessary.

In discharging the duties required of them, the board found it necessary, to enable them to act understandingly, that an agent should visit similar institutions to gather information on the subject; which arduous and responsible duty was most faithfully performed by one of their number, at his own expense. We therefore recommend that when the general appropriation bill comes to the Senate, it be amended by allowing him a reasonable compensation.

Of the fund raised by the tax which has been levied for two years successively for this purpose, which we recommend shall be continued the ensuing year, there will be left in the treasury, after paying for the farm and bearing contingent expenses, between fourteen and fifteen thousand dollars after the present year's revenue shall come in. This is thought to be amply sufficient for the active prosecution of the work the ensuing season. And it is probable that the revenue for the ensuing season, together with the proceeds of the hospital block in the town of Indianapolis, will be sufficient for carrying on the work during 1847, when it is hoped that it will be so far completed as thereafter not to require more than will be raised by the tax from year to year.



In the opinion of the committee there is no subject claiming the attention of the legislature, that involves such vital interests, or is fraught with more serious consequences to the cause of humanity, than that of providing for the care and treatment of the insane.

Could we but bring before you the actual condition of the insane within our State, we feel that you would fully concur in this opinion. We are credibly informed that the poor maniac whose only crime is his disease is not unfrequently incarcerated in the county jail, or confined with manacles and chains.

And as there is no other place of security for them provided, in many of the counties, this is, in many cases, the best they can do. The law provides that the insane be placed in the county poor house, where one is provided, if unable to maintain themselves, where they are often most cruelly treated.

As must be the case they are generally under the care of those who cannot appreciate their insanity, but holding them accountable for their conduct, give them the cold and chilling frown of displeasure—or administer punishments for their reformation. Few know that the laws of kindness which enjoin on all that sympathy which alone can calm his distracted mind and soothe his sorrow are all the laws to which the insane are amenable. And few *very* few can without these laws being imprinted upon the heart refrain from being irritated at the unreasonable and often insolent conduct of the insane.

Then there are those who are permitted to wander at large over the country, following in their erratic course the leadings of the wayward fancy of a diseased mind—buffeted by the rude and unfeeling, and annoyed by the sports and pranks of thoughtless boys—passing from place to place—obtaining a meagre and scanty subsistence from the slender charity of a cold and unfeeling world, and frequently lying down at night with no other bed than the damp chilling earth, and no covering save the blue vault of heaven.

Even those who are so fortunate as to be surrounded by kind friends, and to be possessed of a competency, cannot obtain the means of relief necessary for their restoration, for want of a hospital, and many remain without treatment until the period of curability is gone by and they are doomed for the remainder of their wretched lives to hopeless insanity—a condition infinitely more horrible than death itself. These are no fancy sketches. No, happy would it be for hundreds of our people if they were.

And who are the insane? Are they not our fellow beings? Brothers, sisters, fathers, mothers, wives, and children, our neighbors, and our friends? And who are to be the insane of another year? Is there any one who has a guarantee of exemption from this the most of all to be dreaded disease? Most certainly not. And who of us believing that we or our particular friends were soon to fall victims to it would not advocate the immediate erection of a hospital, where we could be kindly treated and speedily restored? None.

no not one. And the spirit of philanthropy and the laws of right, teach us to do unto all men as we would they should do unto us.

It may not be amiss to refer to the success of different hospitals for the insane. It is found, that of patients whose insanity is of less than one year's standing (called recent cases) about 80 to 85 out of every hundred are curable. Of those over one year's standing, and under two, about 35 in a hundred are curable, and of those of a longer period than two years, cures are only occasionally effected. These facts are taken from the published reports of numerous hospitals, upon which we can place the most implicit reliance.

From the foregoing considerations the committee report the following bill and earnestly recommend its passage.

No. 200. A bill to provide for the erection of the edifice of the Indiana Hospital for the Insane;

Which was read a first time.

On motion by Mr. Akin,

The rules were suspended, and the bill read a second time, and referred to the committee on the judiciary.

Mr. Cuppy, from the committee on roads, submitted the following report:

MR. PRESIDENT:

The committee on roads, to whom was referred a bill (of the House) No. 43, on the subject of a State road in the counties of Elkhart and St. Joseph, have had that subject under consideration, and have directed me to report the bill back to the Senate without amendment, and recommend its passage.

The bill was ordered to a third reading.

Mr. Miller, from a select committee, submitted the following report:

MR. PRESIDENT:

The select committee to whom was referred bill (of the House,) No. 182, entitled "A bill to legalize certain acts therein named," have had that subject under consideration, and directed me to report it back to the Senate, with one amendment, which, when adopted, they recommend its passage.

"Strike out all after the word Indiana in line 13, and substitute the following; That the two deeds of conveyance for certain premises therein specified, made by John Martin, as school commissioner for Crawford county, to Lebbeus Frisbie, bearing date February 22, 1843, and recorded in the recorder's office of Crawford county, in record book letter C, on pages 337 and 338, be and the same are



hereby in all things declared to be valid, the same as if said deeds had been lawfully worded and acknowledged by said school commissioner, at the time of the execution of said deeds, and said conveyances are hereby in all things confirmed."

SEC. 2. "This act to take effect from and after its passage."

Which report was concurred in.

The bill was then ordered to a third reading.

Mr. Winchell, from a select committee, submitted the following report:

MR. PRESIDENT:

The select committee to whom was referred the petition of sundry citizens of Grant county, praying the incorporation of a company to construct a railroad from Marion, Grant county, to some point on the Wabash and Erie canal, have had the same under consideration, and directed me to report the following bill and recommend its passage:

No. 201. A bill to incorporate the Marion and Wabash Railroad Company;

Which was read a first time.

On motion by Mr. Winchell,

The rules were suspended and the bill was read a second time and referred to the committee on corporations.

Mr. Hardin, from a select committee, submitted the following report:

MR. PRESIDENT:

The select committee to which was referred bill of the House No. 186, with instructions to increase the fees therein allowed, according to order, have had the same under consideration, and have directed me to report the same to the Senate, with certain amendments, and upon their adoption to recommend its passage:

Amend the first section by striking out all after the words "to-wit," and insert the following:

"For recording deed or mortgage,	62½ cents.
"For recording bond,	37½ cents.
"For recording promissory note,	12½ cents.
"For recording all other instruments, per sheet of 100 words,	10 cents.
"For copies of all records, and for certifying the same, per sheet of 100 words,	10 cents.
"For recording mortgage to superintendent of loan office,	37½ cents."

Which amendment was concurred in.

The bill, as amended, was then read a third time and passed.

Mr. Parks offered the following resolution:

*Resolved*, That the Senate will meet from this to the end of the session at half past eight o'clock, A. M., and at half past one o'clock, P. M., each day.

Mr. Buell moved to lay the resolution upon the table.

The ayes and noes being called for by Messrs. Parks and Handy,

*Those who voted in the affirmative are,*

Messrs. Akin, Allison, Barbour, Berry of Franklin, Bowers, Bradbury, Buell, Chapman of Laporte, Chenowith, Coffin, Edmonson, Ellis, Hamer, Holloway, Howell, Jackson, Jones, Montgomery, Morgan of Decatur, Pomeroy, Reyburn, Rockhill, Todd, and Wood—24.

*Those who voted in the negative are,*

Messrs. Berry of Monroe, Chapman of Daviess, Davis, English, Goodenow, Hamrick, Handy, Hardin, Henry, Lane, Leviston, Logan, Major, Miller, Moore, Morgan of Rush, Parks, Read, Verbriek, Winchell, and Zener—21.

So the resolution was laid upon the table.

Mr. Handy offered the following resolution:

*Resolved*, That the committee on roads be requested to enquire into the expediency of so amending the road law, that all property shall be held liable for the payment of road work and road tax.

Which was adopted.

The President laid before the Senate a communication from Joseph R. Pratt, enclosing his proposition for taking the State Prison.

Mr. Akin moved to refer the communication to the committee on the State Prison.

Pending which,

Mr. Hamer moved to lay the communication upon the table;

Which motion did not prevail.

The question then recurring upon referring to the committee on the State Prison,

It was decided in the negative.

Mr. Morgan of Decatur moved to refer the communication to the committee on finance;

Which motion did not prevail.

On motion by Mr. Chapman of Laporte,

The communication was referred to a select committee of Messrs. Read, Davis, and Akin.

Leave being granted,



Mr. Todd, from a select committee, submitted the following report:

MR. PRESIDENT:

The select committee to whom was referred a petition and remonstrance of some of the citizens of Indianapolis, have had the same under consideration, and have directed me to report the following bill, which is in all respects conformable to the prayer of the petitioners, the number of whom is about one third greater than that of the remonstrants:

No. 202. A bill amendatory of the several acts incorporating the town of Indianapolis;

Which was read a first time and ordered to a second reading.

The following message was received from the House of Representatives by Mr. Kinder, their Clerk:

MR. PRESIDENT:

I am instructed by the House of Representatives to inform the Senate that the House have passed the following engrossed bills thereof:

No. 399. An act for the payment to Mary Wood and others damages recovered by them against the State for injury to their lands by the construction of the Jeffersonville and Crawfordsville road;

No. 213. An act to amend an act entitled, "An act to provide for the construction of all or any part of the public works by private companies, and for abolishing the board of internal improvements, and the offices of fund commissioner and chief engineer," approved January 28, 1842;

No. 292. An act for the relief of Jacob Jones, sen.;

No. 320. An act for the relief of messengers to notify electors for President and Vice President of the United States;

No. 321. An act to establish a State road in the counties of Dekalb and Allen;

No. 322. An act to authorize Aaron K. Sayer and Daniel Sayer to build a dam across the Mississinewa river, in Wabash county;

No. 323. An act to require certain statutes to be published in some newspaper at Indianapolis, and for other purposes;

No. 327. An act to divorce Peter Johnson and Mary Johnson, of Hancock county;

No. 328. An act to divorce Mary Ann Banks from her husband, Henry Banks;

No. 330. An act to amend the several acts providing for the preservation of the State House, State Library, and legislative papers;

No. 333. An act to declare a misprint in a certain case;

No. 335. An act for the relief of James Kitchen;

No. 337. An act for the collecting of road tax in the county of Hamilton;

No. 338. An act to amend an act entitled an act to establish a free turnpike road in Jay county, approved January 3, 1845;

No. 344. An act to authorize the levying of a road tax in the county of Franklin;

No. 347. An act to amend the law regulating duties of supervisors of roads;

No. 348. An act to extend the time of commissioners court in the counties of Hamilton and Laporte.

In which the concurrence of the Senate is respectfully requested.

Mr. Todd offered the following resolution:

*Resolved*, That the committee on canals and internal improvements, be instructed to enquire into the present condition of the water powers of the State at Indianapolis; the improvements and expenditures upon them for the last two years, and respecting settlements with the lessees of said water powers. And whether the said lessees have complied with the terms of their leases, and to report the same as early as practicable.

Mr. Lane moved to lay the resolution upon the table;

Which motion did not prevail.

Mr. Edmonson moved to refer the resolution to a select committee.

Pending which,

On motion,

The resolution was laid upon the table.

Mr. Barbour moved to reconsider the vote by which the Senate refused to pass,

No. 149. A bill (of the Senate) for the relief of Survillar Jane Neal, late Eudaly;

Which motion prevailed.

The question then recurred upon the passage of the bill;

And it was decided in the affirmative.

Leave being granted,

Mr. Pomeroy introduced,

No. 203. A bill for the relief of Benjamin H. Scott, of Miami county;

Which was read a first time, and ordered to a second reading.

On motion by Mr. Miller,

The vote was reconsidered by which the Senate refused to pass,

No. 217. A bill (of the House) for the relief of Barbara Ann May.

The question then recurring upon the passage of the bill,

It was decided in the affirmative.

Mr. Todd moved to take from the table,

No. 150. A bill (of the Senate,) in relation to the bridge over White river, on the Michigan road, in Marion county;

Which motion prevailed.



Mr. Buell moved to amend the bill, by adding,

"SEC.—It is further provided, That the State shall, in nowise or manner, hereafter, be made responsible for any damage that may arise from the passage of this act.

"Provided further, That if any damages are paid by the county of Marion;"

Which amendment was adopted.

The bill as amended, was then passed.

The following message was received from the House of Representatives, by Mr. Kinder, their Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate, that the House have passed the following engrossed bill thereof:

No. 374. An act to vacate a public highway in the county of Greene.

In which the concurrence of the Senate is respectfully requested.  
Leave being granted,

Mr. Howell, from a select committee, submitted the following report:

MR. PRESIDENT:

The select committee to whom was referred the petition of William Jones and others, praying that William Starks, of Spencer county, be exempt from paying a State and county tax, have had that subject under consideration, and directed me to report the following bill and recommend its passage.

No. 204. A bill for the relief of William Starks;  
Which was read a first time.

On motion by Mr. Howell,  
The rules were suspended, and the bill read a second and third times, and passed.

#### HOUSE BILLS ON THIRD READING.

No. 81. A bill to provide for the leasing of water power on the Wabash and Erie canal;

Read a third time and passed.

No. 45. A joint resolution instructing our Senators, and requesting our Representatives in Congress to vote for an appropriation on the St. Joseph river;

Read a third time.

On the passage of the joint resolution,

The ayes and noes being called for by Messrs. Pomeroy and Barbour,

*Those who voted in the affirmative are,*

Messrs. Allison, Bradbury, Chapman of Daviess, Chenowith, Coffin, Davis, Ellis, English, Goodenow, Hamer, Hamrick, Henry, Holloway, Jackson, Jones, Miller, Montgomery, Moore, Morgan of Decatur, Morgan of Rush, Pomeroy, Reyburn, Todd, Verbrike, Winchell, and Zenor—26.

*Those who voted in the negative are,*

Messrs. Akin, Barbour, Berry of Franklin, Berry of Monroe, Bowers, Buell, Chapman of Laporte, Cuppy, Edmonson, Handy, Hardin, Howell, Lane, Leviston, Logan, Parks, Read, Rockhill, and Wood—19.

So the joint resolution was passed.

Leave being granted,

Mr. Montgomery, from a select committee, submitted the following report:

MR. PRESIDENT:

The select committee, to whom was referred the petition of citizens of Warren and Fountain counties in relation to a State road, have had the subject under consideration, and have directed me to report the accompanying bill and recommend its passage:

No. 205. A bill to locate a State road in the counties of Warren and Fountain;

Which was read a first time.

On motion by Mr. Jones,

The rules were suspended, and the bill read a second and third times and passed.

Leave being granted,

Mr. Buell introduced,

No. 206. A bill in relation to the repairing of the College buildings;

Which was read a first time and ordered to a second reading.

No. 223. A bill (of the House) declaring a mistake in the Revised Statutes of 1843, in relation to the boundaries of Kosciusko and Fulton counties;

Read a third time and passed.

No. 183. A bill to correct the boundary line of Richardville county;

Read a third time and passed.

No. 239. A bill to authorize the placing of swinging gates on highways in Dearborn county;

Read a third time and passed.



No. 28. A bill for the relief of purchasers of school lands in Harrison and Orange counties;  
Read a third time and passed.

No. 257. A bill to correct the boundary line of Carroll county;  
Read a third time and passed.

#### HOUSE BILL ON SECOND READING.

No. 295. A bill to amend an act incorporating the city of New Albany, approved February 14, 1839;  
Read a second time, and,

On motion by Mr. Davis,  
Referred to a select committee of Messrs. Davis, Goodenow, and Berry of Monroe.

#### SENATE BILLS ON SECOND READING.

No. 184. A bill to charter the Alumni of Hanover College;  
Read a second time, and,

On motion by Mr. Goodenow,  
Referred to the committee on corporations.

No. 190. A bill authorizing an election of a justice of the peace in Hendricks county;  
Read a second time and ordered to be engrossed for a third reading.

No. 186. A bill to extend the provisions of a certain act to the county of Allen;  
Read a second time and ordered to be engrossed for a third reading.

Mr. Buell moved to take from the table,

No. 162. A bill (of the Senate) to amend an act relative to claims for damages on the public works;  
Which motion prevailed.

Mr. Chapman of Laporte moved to amend the bill as follows:

"*Provided*, The provisions of this act shall not extend to any cases heretofore acted on."

Which amendment was adopted.

Mr. Morgan of Decatur moved to amend the bill as follows:

"*Provided*, That the said damages shall be paid out of the funds of the canal west of Tippecanoe;  
Which amendment was adopted.

The bill, as amended, was then ordered to be engrossed for a third reading.

M. Lane moved to take from the table,

No. 40. A bill (of the Senate) supplemental to an act entitled, An act for the relief of Nathan Burchfield, approved February 11, 1843;  
Which motion prevailed.

Mr. Morgan of Decatur moved to amend the bill as follows:  
"*Provided*, Said costs be paid out of the funds of the Wabash and Erie canal."

Which amendment was not adopted.

Mr. Morgan of Decatur then moved to amend the bill by providing that the said costs be paid out of the first proceeds of the suspended debt.

Mr. Berry of Franklin moved to amend the amendment by adding thereto the words, "without interest."

Which amendment was adopted.

And the amendment, as amended, was then adopted.

On the engrossment of the bill,

The ayes and noes were called for by Messrs. Buell and Jones;  
and,

*Those who voted in the affirmative are,*

Messrs. Akin, Allison, Barbour, Berry of Monroe, Bowers, Bradbury, Chapman of Laporte, Chenowith, Coffin, Davis, Ellis, English, Goodenow, Hamer, Holloway, Jackson, Jones, Major, Miller, Moore, Morgan of Decatur, Pomeroy, Verbriek, Wood, and Zenor—25.

*Those who voted in the negative are,*

Messrs. Berry of Franklin, Buell, Chapman of Daviess, Cuppy, Edmonson, Hamrick, Handy, Hardin, Henry, Howell, Lane, Leviston, Logan, Montgomery, Morgan of Rush, Murphey, Parks, Read, Reyburn, Rockhill, Todd, and Winchell—22.

So the bill was ordered to be engrossed for a third reading.

Mr. Miller moved to reconsider the vote laying upon the table,

No. 87. A bill to attach additional territory to the county of Crawford;  
Which motion prevailed.

On motion by Mr. Zenor,

The bill was then referred to a select committee of Messrs. Zenor, Miller, and Logan.

A message from the House of Representatives by Mr. Kinder, their Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House have passed the following engrossed bill thereof:

No. 379. An act to amend an act to incorporate the Buffalo and Mississippi Railroad Company, approved February 6, 1845;

In which the concurrence of the Senate is respectfully requested.



## HOUSE BILLS ON SECOND READING.

No. 296. A bill to locate a State road in the counties of Miami and Madison;

Read a second time, and,

On motion by Mr. Jackson,

Referred to a select committee of Messrs. Jackson, English, and Howell.

No. 273. A bill authorizing B. F. C. Lodge, late collector of Jefferson county, to collect arrearages of taxes;

Read a second time and ordered to a third reading.

No. 255. A bill in relation to evidence in cases where records have been destroyed by fire;

Read a second time, and referred to the committee on the judiciary.

No. 280. A joint resolution in relation to the public lands in the Vincennes district;

Read a second time, and,

On motion by Mr. Lane,

Laid upon the table.

No. 225. A bill to incorporate the Hoosier Band, of Greenfield;

Read a second time and referred to the committee on corporations.

No. 205. A bill to amend an act entitled, "An act to incorporate the Michigan Road Company";

Read a second time and referred to a select committee of Messrs. Morgan of Decatur, Handy, and Buell.

No. 302. A bill to vacate the town of Blakesburg in Putnam county;

Read a second time and ordered to a third reading.

No. 277. A bill to prevent county auditors from practising as attorneys at law in the county commissioners' court;

Read a second time and referred to the committee on the judiciary.

No. 271. A bill to locate a State road in the counties of Ohio and Switzerland;

Read a second time.

Mr. Henry moved to amend the bill as follows:

"Provided, however, that in the county of Switzerland said road shall not pass through any enclosure, unless the owner thereof shall consent thereto."

Which amendment was adopted, and the bill, as amended, was ordered to a third reading.

No. 300. A bill concerning road tax in the county of Wells;

Read a second time and ordered to a third reading.

No. 303. A bill to require plaintiffs in Washington county to give security for costs in certain cases;

Read a second time and referred to the committee on the judiciary.

No. 261. A bill locating a State road in the counties of Fulton and Marshall;

Read a second time and ordered to a third reading.

No. 306. A bill for the relief of Eliza Ann Storm, of Marion county;

Read a second time and ordered to a third reading.

No. 172. A bill to incorporate the Union Medical Society of Northern Indiana;

Read a second time and referred to the committee on corporations.

No. 269. A bill for the relief of purchasers of canal lands;

Read a second time and referred to the committee on canals and internal improvements.

No. 289. A bill establishing a State road in the counties of Montgomery and Fountain;

Read a second time and ordered to a third reading.

No. 207. A bill for the benefit of supervisors in Scott county;

Read a second time.

On motion,

The bill was so amended as to extend its provisions to Decatur and Shelby counties.

The bill was then read a third time, the rules being suspended, and passed.

The title of the bill was changed so as to correspond with the amendment.

No. 287. A bill to change that part of the New Albany and Crawfordsville road, which lies between Salem and New Albany, to a railroad, to be constructed by a private company;

Read a second time and referred to the committee on corporations.

No. 254. A bill authorizing John Hawenstein, his heirs and assigns, to keep, maintain, and improve his mill premises, on the St. Mary's river, in Allen county;

Read a second time and ordered to a third reading.

On motion,

The Senate adjourned.

2 o'clock, P. M.

The Senate met,

And proceeded to the consideration of the orders of the day.

## HOUSE BILLS ON SECOND READING.

No. 326. A bill to abolish the necessity of special legislation in Adams and Jay counties;

Read a second time and ordered to a third reading.



No. 342. A bill for the relief of Lucinda Sparks, of Floyd county;  
Read a second and third times, the rules being suspended, and passed.

No. 166. A bill to amend an act entitled, "An act to incorporate the Vevay and Napoleon Turnpike Company, approved January 15, 1844," approved January 13, 1845;

Read a second time and referred to a select committee of Messrs. Bowers, Morgan of Decatur, and Henry.

No. 305. A bill for the relief of Robert Stockwell, of Gibson county;

Read a second time, and,

On motion by Mr. Edmonson,

Laid upon the table.

No. 299. A bill for the relief of Susan Whearly, of Hamilton county;

Which was read a second time and ordered to a third reading.

No. 278. A bill to provide for the election of county surveyors in Fulton and Marshall counties;

Read a second time and ordered to a third reading.

No. 274. A bill for the relief of purchasers of school lands in Fulton county;

Read a second time, and,

On motion by Mr. Edmonson,

Referred to the committee on corporations.

No. 253. A bill changing the name of Dobsonville, in Jefferson county, to that of Chambersburgh;

Read a second time, and,

On motion by Mr. Goodenow,

Laid upon the table.

No. 325. A bill to relocate a part of a certain State road in Marion county;

Read a second time and ordered to a third reading.

No. 65. A bill to attach certain territory therein named to the county of Jennings for road purposes;

Read a second time and ordered to a third reading.

No. 313. A bill for the relief of Martha Jane Van Dusen, of Vanderburgh county;

Read a second time and ordered to a third reading.

No. 310. A bill in relation to the granting of tavern licenses in the county of Cass;

Read a second time and ordered to a third reading.

Mr. Todd asked and obtained leave to withdraw from the files the petitions in relation to the bridge over White river, in Marion county.

No. 279. A bill for the relief of Sarah Wallace;

Read a second time and ordered to a third reading.

No. 317. A bill for the relief of the heirs of Henry Stephenson, deceased, late of Boone county;

Read a second time and referred to the committee on the judiciary.

Mr. Howell moved to take from the table,

No. 109. A bill dissolving the bonds of matrimony between William Martin and Susan Martin, of Warrick county;

Which motion prevailed.

The bill was then read a third time and passed.

On motion by Mr. Logan,

The vote was reconsidered by which was indefinitely postponed

No. 103. A bill to modify the thirtieth section, chapter sixteen, of the Revised Statutes.

On motion by Mr. Hardin,

The bill was referred to a select committee of Messrs. Hardin, Handy, and Edmonson.

Mr. Edmonson moved to take from the table,

No. 159. A bill (of the Senate) to provide for the funded debt of the State of Indiana, and for the completion of the Wabash and Erie canal to Evansville;

Which motion prevailed.

Mr. Logan moved to refer the bill to the committee on the judiciary;

Which motion did not prevail.

On motion by Mr. Edmonson,

The bill was then referred to the committee on canals and internal improvements.

The following communication from his Excellency the Governor, was received, by Mr. Powers:

MR. PRESIDENT:

I am directed by his Excellency, the Governor, to inform the Senate, that he has this day approved and signed:

No. 90. An act for the relief of Victor A. Pepin, of Floyd county;

No. 108. An act to amend an act entitled an act to locate a State road, in the county of Marshall, approved January 13, 1845;

No. 100. An act to vacate a part of the town of Waterloo, in Fayette county;

No. 49. An act to authorize the reappraisement of school lands, in certain cases;

No. 92. An act legalizing the acts of the auditor and school commissioner, in Lagrange county;

No. 15. An act to incorporate the grand lodge of the Independent order of Odd Fellows, of the State of Indiana;

No. 80. An act for the relief of Joseph and Maria Rudman, of Franklin county;

No. 79. An act to amend an act entitled an act to incorporate the Buffalo and Mississippi railroad company, approved February 6, 1835;



No. 59. An act to incorporate the Brookville manufacturing company;

No. 81. An act to provide for the remuneration of Sylvester House, of Syracuse, New York, for the arrest of Joseph Gould, a fugitive from justice, from the State of Indiana, and for other purposes;

No. 88. An act to extend the time of the February term of the Franklin circuit court;

No. 101. An act for the relief of the heirs of James McCleery, of the county of Franklin;

No. 7. A joint resolution in relation to the improvement of the Ohio river.

All of which originated in the Senate.

No. 268. A bill relative to the duties of county auditors.

Read a second time.

Mr. Handy moved to amend the bill by excepting from the provisions thereof, Shelby county.

Mr. Murphey moved to amend the bill by striking out the words, "four o'clock," and insert three o'clock;

Which motion did not prevail.

The question then recurring upon the adoption of Mr. Handy's amendment,

The ayes and noes were called for by Messrs. Handy and Murphey, and,

*Those who voted in the affirmative are,*

Messrs. Akin, Barbour, Berry of Franklin, Berry of Monroe, Bowers, Buell, Chapman of Daviess, Davis, Edmonson, English, Handy, Hardin, Henry, Holloway, Howell, Jackson, Jones, Lane, Major, Miller, Montgomery, Moore, Morgan of Decatur, Morgan of Rush, Parks, Pomeroy, Read, Todd, Winchell, Wood, and Zenor—31.

*Those who voted in the negative are,*

Messrs. Allison, Barbour, Bradbury, Chapman of Laporte, Chenowith, Coffin, Cuppy, Ellis, Goodenow, Hamer, Hamrick, Leviston, Logan, Murphey, Rockhill, and Verbriek—16.

So the amendment was adopted.

On motion of Mr. Berry of Franklin,

The vote refusing to adopt Mr. Murphey's amendment was reconsidered,

And the amendment was then adopted.

The bill was then ordered to a third reading.

No. 308. A bill legalizing the acts of certain justices of the peace, in Allen county;

Read a second time, and ordered to a third reading.

No. 4. A bill for the relief of David Storer, and others;

Read a second time, and,

On motion by Mr. Chapman of Laporte,

Referred to the committee on the judiciary.

No. 283. A bill allowing the commissioners of the Wabash and Erie canal, to employ an Engineer, and for other purposes;

Read a second time, and referred to the committee on canals and internal improvements.

#### SENATE BILLS ON SECOND READING.

No. 198. A bill giving additional time to the probate court in Monroe county;

Read a second time, and,

On motion by Mr. Berry of Monroe,

Laid upon the table.

Mr. Murphey moved to take from the table,

No. 114. A bill (of the Senate) to amend the act relative to the Asylum for the education of the Deaf and Dumb.

The ayes and noes being called for by Messrs. Murphey and Montgomery,

*Those who voted in the affirmative are,*

Messrs. Akin, Barbour, Bowers, Bradbury, Chapman of Laporte, Chenowith, Coffin, Davis, Ellis, Goodenow, Hamer, Hamrick, Handy, Hardin, Holloway, Howell, Jackson, Jones, Lane, Montgomery, Moore, Morgan of Rush, Murphey, Pomeroy, Rockhill, Todd, Verbriek, Winchell, and Wood—29.

*Those who voted in the negative are,*

Messrs. Allison, Berry of Franklin, Berry of Monroe, Buell, Chapman of Daviess, Cuppy, Edmonson, English, Henry, Leviston, Logan, Major, Miller, Morgan of Decatur, Parks, Read, and Zenor—17.

So the bill was taken from the table.

When the bill was last under consideration, an amendment of Mr. Parks, providing for striking out the words, "Marion," and "Indianapolis," and insert "Monroe" and "Bloomington," was pending: also, a call for a division of the question.

The question then recurring upon striking out,

The ayes and noes were called for by Messrs. Montgomery and Barbour, and,



*Those who voted in the affirmative are,*

Messrs. Akin, Allison, Berry of Franklin, Berry of Monroe, Buell, Chapman of Daviess, Edmonson, Hamer, Logan, Major, Miller, Morgan of Decatur, Parks, Read, and Zenor—15.

*Those who voted in the negative are,*

Messrs. Barbour, Bowers, Bradbury, Chapman of Laporte, Chenowith, Coffin, Cuppy, Davis, Ellis, English, Goodenow, Hamrick, Handy, Hardin, Henry, Holloway, Howell, Jackson, Jones, Lane, Leviston, Montgomery, Moore, Morgan of Rush, Murphey, Pomeroy, Rockhill, Todd, Verbriake, Winchell, and Wood—31.

So the Senate refused to strike out.

Mr. Chapman of Laporte then moved to amend the bill by striking out "30 acres," and insert, "50 acres."

Which amendment was not adopted.

Mr. Montgomery moved to amend the bill as follows:

"And the said trustees be, and they are hereby authorized, to proceed to erect on said site, suitable buildings for the accommodation of the pupils of said asylum, as soon as practicable, out of any unexpended amounts which may hereafter be appropriated by the Legislature for the benefit of said asylum."

Which amendment was not adopted.

The bill was then ordered to be engrossed for a third reading.

No. 193. A bill for the relief of V. & J. King and others;

Read a second time, and referred to the committee on claims.

No. 13. A joint resolution establishing the per diem allowance of the probate and associate judges of Tippecanoe county;

Read a second time and ordered to be engrossed for a third reading.

No. 171. A bill for the relief of Sarah Gregory, of Laporte county;

Read a second time and ordered to be engrossed for a third reading.

No. 169. A bill for the relief of Moses Noble, of Vanderburgh county;

Read a second time and ordered to be engrossed for a third reading.

No. 163. A bill leasing the Indiana State Prison, and for other purposes;

Read a second time, and,

On motion by Mr. Davis,

Laid upon the table.

No. 192. A bill legalizing a certain record of the board of commissioners of Marshall county;

Read a second time and ordered to be engrossed for a third reading.

No. 195. A bill in relation to certificates and patents of Michigan road lands;

Read a second time, and,

On motion by Mr. Chapman of Laporte,

Referred to the committee on the judiciary.

No. 194. A bill for the relief of Peter N. Clark, of Marion county;

Read a second time.

Mr. Parks moved to lay the bill upon the table;

Which motion did not prevail.

Mr. Morgan of Decatur moved to refer the bill to the committee on claims;

Which motion did not prevail.

The bill was then ordered to be engrossed for a third reading.

Mr. Handy moved that the Senate do now adjourn;

The ayes and noes being called for by Messrs. Chapman of Laporte and Barbour,

*Those who voted in the affirmative are,*

Messrs. Bowers, Bradbury, Buell, Cuppy, Davis, Edmonson, English, Goodenow, Hamer, Hamrick, Handy, Hardin, Howell, Jackson, Leviston, Major, Miller, Moore, Morgan of Decatur, Read, and Zenor—21.

*Those who voted in the negative are,*

Messrs. Akin, Allison, Barbour, Berry of Franklin, Berry of Monroe, Chapman of Daviess, Chapman of Laporte, Chenowith, Coffin, Ellis, Henry, Holloway, Jones, Lane, Logan, Morgan of Rush, Parks, Pomeroy, Rockhill, Todd, Verbriake, Winchell, and Wood—24.

So the Senate refused to adjourn.

On motion by Mr. Akin,

The vote was reconsidered by which Senate bill No. 193, was referred to the committee on claims.

On motion by Mr. Chapman of Laporte,

The bill was then referred to the committee on finance.

No. 197. A bill to amend an act entitled, "An act regulating the fees and salaries of the several officers and persons therein named," approved February 7, 1831;

Read a second time, and,

On motion by Mr. Akin,

Referred to the committee on the judiciary.

No. 161. A bill providing for the better payment of mortgages due the University fund;

Read a second time and ordered to be engrossed for a third reading.

No. 179. A bill to amend the 109th section of the sixteenth



chapter of the Revised Statutes of 1843, on the subject of the road tax;

Read a second time, and,

On motion by Mr. Logan,

Referred to the committee on roads.

No. 180. A bill to dissolve the bonds of matrimony heretofore and now existing between William Beckford and Elizabeth Beckford;

Read a second time and ordered to be engrossed for a third reading.

No. 181. A bill to amend "An act to confine voters to their own townships," approved January 13, 1845;

Read a second time, and,

On motion by Mr. Buell,

The bill was indefinitely postponed.

No. 189. A bill to amend an act entitled, "An act to provide for the election of prosecuting attorneys by the people";

Read a second time.

Mr. Chapman of Laporte moved to amend the bill by striking out that part which requires the prosecuting attorney to be an attorney at law.

Which amendment was adopted.

Mr. Edmonson moved to lay the bill upon the table;

Which motion did not prevail.

Mr. Buell moved to refer the bill to a select committee;

Which motion did not prevail.

Mr. Logan moved to indefinitely postpone the bill;

The ayes and noes being called for by Messrs. Logan and Buell;

*Those who voted in the affirmative are,*

Messrs. Berry of Monroe, Bradbury, Goodenow, Hamer, Hamrick, Holloway, Jones, Logan, Moore, Morgan of Rush, Pomeroy, Todd, and Verbribe—13.

*Those who voted in the negative are,*

Messrs. Akin, Barbour, Berry of Franklin, Bowers, Buell, Chapman of Daviess, Chapman of Laporte, Chenowith, Coffin, Cuppy, Davis, Edmonson, Ellis, English, Handy, Hardin, Henry, Howell, Jackson, Lane, Leviston, Major, Montgomery, Morgan of Decatur, Parks, Read, Rockhill, Winchell, Wood, and Zenor—30.

So the bill was not indefinitely postponed.

Mr. Morgan of Decatur moved to refer the bill to a select committee;

The ayes and noes being called for by Messrs. Morgan of Decatur and Chapman of Laporte,

*Those who voted in the affirmative are,*

Messrs. Akin, Berry of Franklin, Berry of Monroe, Bowers, Bradbury, Buell, Chapman of Daviess, Chenowith, Coffin, Cuppy, Davis, Edmonson, Hamer, Hamrick, Henry, Holloway, Howell, Jones, Lane, Leviston, Logan, Morgan of Decatur, Pomeroy, Read, Rockhill, Todd, Verbribe, Wood, and Zenor—29.

*Those who voted in the negative are,*

Messrs. Barbour, Chapman of Laporte, Ellis, English, Goodenow, Handy, Hardin, Jackson, Major, Montgomery, Moore, Morgan of Rush, Parks, and Winchell—14.

And the bill was so referred.

Messrs. Morgan of Daviess, Buell, and Akin, were appointed said committee.

No. 191. A bill for the relief of Ann Evans, of Martin county;

Read a second time, and ordered to be engrossed for a third reading.

No. 14. A joint resolution directing an insurance on the State House and other State property;

Read a second time, and,

On motion by Mr. Hardin,

Referred to the committee on public buildings.

On motion,

The Senate adjourned.

WEDNESDAY MORNING, JAN. 7, 1846.

The Senate assembled.

The Journal of the preceding day was read.

Mr. Barbour presented the petition of sundry citizens of Decatur and Bartholomew counties, on the subject of a railroad therein named; which,

On motion by Mr. Barbour,

Was laid upon the table.

Mr. Goodenow presented the petition of D. C. Fisk and others, in relation to preventing the sale of intoxicating liquors; which,



On motion by Mr. Goodenow,

Was referred to the committee on finance.

Mr. Todd presented the petition of sundry citizens of Marion county, in relation to granting licenses for the sale of intoxicating liquors; which,

On motion by Mr. Todd,

Was referred to a select committee of Messrs. Todd, Verbrike, and Morgan of Rush.

Mr. Winchell presented the petition of sundry citizens of Delaware, Randolph, and Jay counties, praying for the repeal of a certain law, declaring the Mississinewa river, a public highway.

Also, a remonstrance against such repeal; which,

On motion by Mr. Winchell,

Were referred to the committee on the judiciary.

Mr. Lane presented the proceedings of a meeting of the citizens of Vanderburgh county, on the subject of the State debt; which,

On motion by Mr. Lane,

Was referred to the committee on canals and internal improvements.

Mr. Rockhill presented the petition of sundry citizens of Fort Wayne, in relation to injury done to certain land, by the construction of the White water canal; which,

On motion by Mr. Rockhill,

Was referred to the committee on canals and internal improvements.

Mr. Chapman of Laporte, chairman of the committee on the judiciary, submitted the following report:

MR. PRESIDENT:

The committee on the judiciary to whom was referred the petition of Joseph W. Briggs, of Sullivan county, have had the same under consideration, and have directed me to report the following bill and recommend its passage:

No. 207. A bill for the relief of the securities of William Johnson, late collector of Sullivan county;

Which was read a first time.

On motion by Mr. Ellis,

The rules were suspended, and the bill read a second time, and ordered to be engrossed for a third reading.

Mr. Barbour, chairman of the committee on federal relations, made the following report:

MR. PRESIDENT:

The committee on federal relations, to whom was referred the joint resolution entitled "A joint resolution on the subject of the

reservoir in Mercer county, Ohio," have had the same under consideration, and have instructed me to report the same back and recommend its passage.

The joint resolution was ordered to a third reading.

Mr. Howell, from the committee on federal relations, submitted the following report:

MR. PRESIDENT:

The committee on federal relations, to whom was referred a resolution of the Senate, memorializing Congress for a grant of lands for the officers and soldiers of the late war, have had that subject under consideration, and directed me to report, that legislation on that subject is inexpedient at this time, and ask to be discharged from the further consideration of that subject.

Which report was concurred in.

Mr. Henry, from the committee on federal relations, submitted the following report:

MR. PRESIDENT:

The committee on federal relations to whom was referred "A joint resolution on the subject of vacant lands, in the State of Indiana," have had the same under consideration, and directed me to report said resolution back to the Senate, and recommend its passage.

The joint resolution was ordered to be engrossed for a third reading.

Mr. Todd, chairman of the committee on education, submitted the following report:

MR. PRESIDENT:

The committee on education, to whom was referred bill (of the House) No. 318, entitled "An act relative to apprentices," have had the same under consideration, and have directed me to report the same back to the Senate, and recommend its passage.

Mr. Davis moved to recommit the bill to the committee on education, with instructions to strike out "six," before the word "months," and insert "twelve," and also, to provide that said children shall be sent to school at least three months at a time.

Mr. Herriman called for a division of the question.

The question then recurring upon recommitting the bill,



The ayes and noes were called for by Messrs. Davis, and Herriman, and,

*Those who voted in the affirmative are,*

Messrs. Barbour, Berry of Franklin, Berry of Monroe, Bowers, Bradbury, Chapman of Daviess, Chapman of Laporte, Chenowith, Cuppy, Davis, Edmonson, English, Goodenow, Hamer, Hamrick, Handy, Henry, Howell, Jackson, Jones, Lane, Leviston, Logan, Major, Miller, Montgomery, Moore, Morgan of Decatur, Morgan of Rush, Orth, Parks, Pomeroy, Read, Reyburn, Verbriek, Winchell, Wood, and Zenor—39.

*Those who voted in the negative are,*

Messrs. Akin, Allison, Buell, Coffin, Ellis, Hardin, Herriman, Holloway, Rockhill, and Todd—10.

So the Senate decided to recommit.

The question then recurring upon the instructions proposed by Mr. Davis,

The ayes and noes were called for by Messrs. Miller and Morgan of Rush; and

*Those who voted in the affirmative are,*

Messrs. Akin, Allison, Barbour, Berry of Franklin, Berry of Monroe, Bowers, Bradbury, Buell, Chapman of Daviess, Chapman of Laporte, Chenowith, Coffin, Cuppy, Davis, Ellis, English, Goodenow, Hamer, Hardin, Henry, Howell, Jackson, Jones, Lane, Leviston, Logan, Major, Miller, Montgomery, Moore, Morgan of Decatur, Morgan of Rush, Orth, Pomeroy, Read, Reyburn, Rockhill, Verbriek, Winchell, Wood, and Zenor—43.

*Those who voted in the negative are,*

Messrs. Hardin, Herriman, Holloway, Parks, and Todd—5.

So the instructions were adopted.

Mr. Todd, chairman of the committee on education, submitted the following report:

MR. PRESIDENT:

The committee on education, to whom was referred the petition of certain persons in a school district in the county of Lagrange, in relation to a connexion between their county seminary and a district school in said county, have had that subject under consideration, and

directed me to report the same, with the accompanying remonstrance, back to the Senate, for the action thereof; and the committee ask to be discharged from the further consideration of the subject.

On motion by Mr. Cuppy,  
The report was laid upon the table.

Mr. Hardin, from the committee on education, submitted the following report:

MR. PRESIDENT:

The committee on education, to whom was referred bill of the House No. 231, entitled, "An act for the relief of Benjamin Powell and the heirs of Harrison Barnett, deceased," have had the same under consideration, and have instructed me to report the same to the Senate and recommend its indefinite postponement.

On motion by Mr. Reyburn,  
The bill was recommitted to the committee on education.

Mr. Todd, chairman of the committee on education, submitted the following report:

MR. PRESIDENT:

The committee on education, to whom was referred bill of the House of Representatives No. 212, entitled, "An act transferring the duties of school commissioner of Daviess and Martin counties to the treasurers of said counties," have considered the same, and directed me to report the same back to the Senate, with the accompanying amendments, and when so amended, recommend its passage:

Amend as follows:

"SEC. 3. The treasurer of Daviess county shall, before he receives the books, papers, moneys, and effects from the person in whose hands they now are (belonging and pertaining to the office of school commissioner aforesaid), shall give bond, with at least two freehold securities, in the sum of five thousand dollars, to the acceptance of the county board. The said duties of school commissioner shall be performed by said treasurer, by virtue of his office as said treasurer.

"SEC. 4. The office of school commissioner is hereby abolished, so far as relates to the county of Daviess.

"The sections 3, 4, and 5 of the bill, shall be numbered 5, 6, and 7."

Which report was concurred in, and the bill ordered to a third reading.

Mr. Henry, from the committee on education, submitted the following report:



MR. PRESIDENT:

The committee on education, to whom was referred bill of the House No. 266, entitled, "An act for the relief of James Miller," have had that subject under consideration, and directed me to report said bill back to the Senate and recommend its indefinite postponement.

On motion by Mr. Reyburn,  
The bill and report were laid upon the table.

Mr. Goodenow, chairman of the committee on roads, submitted the following report:

MR. PRESIDENT:

The committee on roads, to whom was referred the petition of sundry citizens of the counties of Huntington, Whitley, and Wabash, praying the location of a State road in said counties, have had the same under consideration, and have directed me to report the following bill and recommend its passage:

No. 208. A bill to establish a State road in the counties of Huntington, Whitley, and Wabash;

Which was read a first time and ordered to a second reading.

Mr. Goodenow, chairman of the committee on roads, submitted the following report:

MR. PRESIDENT:

The committee on roads, to whom was referred the petition of sundry citizens of the counties of Noble, Whitley, and Kosciusko, praying the location of a State road in said counties, have had the same under consideration, and have directed me to report the following bill and recommend its passage:

No. 209. A bill to locate a State road in the counties of Whitley, Noble, and Kosciusko;

Which was read a first time and ordered to a second reading.

Mr. Hamer, from the committee on federal relations, submitted the following report:

MR. PRESIDENT:

The committee on federal relations, to whom was referred joint resolution of the House No. 145, on the subject of sixteenth sections, have had the same under consideration, and have directed me to report the following amendments and recommend its passage:

In the tenth line of the first section, add the words "in lieu thereof," after the word "land," in said line.

Likewise, change the title to

"A joint resolution on the subject of school sections."

Which report was concurred in, and the amendments adopted.

The joint resolution was then ordered to a third reading.

Mr. Logan, chairman of the committee on claims, submitted the following report:

MR. PRESIDENT:

The committee on claims to whom was referred bill No. 260, (of the House) entitled "An act for the relief of James Vawter," have according to order, had the same under their consideration, and have directed me to report it back to the Senate and recommend its indefinite postponement.

On motion by Mr. Goodenow,  
The bill and report were laid upon the table.

Mr. Pomeroy, from the committee on claims, submitted the following report:

MR. PRESIDENT:

The committee on claims to whom was referred bill No. 128, (of the Senate) "A bill for the relief of Dickey and Quinn," have had the same under consideration, and instructed me to report the same back to the Senate, and very respectfully recommend its indefinite postponement.

On motion by Mr. Rockhill,  
The bill and report were laid upon the table.

Mr. Morgan of Decatur, from the committee on claims, made the following report:

MR. PRESIDENT:

The committee on claims to whom was referred bill (of the House) No. 69, entitled "An act in relation to a contractor on the Madison and Indianapolis railroad," have had the same under consideration, and directed me to report the same back to the Senate, and recommend its passage, and ask that they may be discharged from the further consideration thereof.

Mr. Berry of Franklin, moved to amend the bill as follows:  
Strike out the words, "in the manner therein pointed out," and



insert, "out of the first proceeds coming into the State treasury from the Madison and Indianapolis railroad."

Mr. Parks moved to lay the bill and pending amendment upon the table.

The ayes and noes being called for by Messrs. Buell and Lane,

*Those who voted in the affirmative are,*

Messrs. Berry of Franklin, Berry of Monroe, Buell, Chapman of Daviess, Cuppy, Edmonson, Ellis, English, Hamer, Handy, Herriman, Leviston, Logan, Major, Miller, Morgan of Rush, Parks, Read, Rockhill, Verbribe, Winchell, and Wood—22.

*Those who voted in the negative are,*

Messrs. Akin, Allison, Barbour, Bowers, Bradbury, Chapman of Laporte, Chenowith, Coffin, Davis, Goodenow, Hamrick, Hardin, Henry, Holloway, Howell, Jackson, Jones, Lane, Montgomery, Moore, Morgan of Decatur, Orth, Pomeroy, Reyburn, Todd, and Zenor—26.

So the motion to lay upon the table, did not prevail.

Mr. Lane then moved to lay Mr. Berry's amendment upon the table.

The ayes and noes being called for by Messrs. Buell and Edmonson,

*Those who voted in the affirmative are,*

Messrs. Allison, Barbour, Bowers, Bradbury, Chapman of Laporte, Chenowith, Coffin, Davis, Goodenow, Hamer, Henry, Holloway, Howell, Jackson, Jones, Lane, Montgomery, Moore, Morgan of Daviess, Orth, Pomeroy, Reyburn, Todd, Verbribe, and Winchell—25.

*Those who voted in the negative are,*

Messrs. Akin, Berry of Franklin, Berry of Monroe, Buell, Chapman of Daviess, Cuppy, Edmonson, Ellis, English, Hamrick, Handy, Hardin, Herriman, Leviston, Logan, Major, Miller, Morgan of Rush, Parks, Read, Wood, and Zenor—22.

So the amendment was laid upon the table.

Mr. Buell moved to amend the bill as follows:

"*Provided*, Said engineer shall also ascertain if said Morelege did not receive too great an allowance for the work from Beckwith;"

Which amendment was adopted.

Mr. Berry of Franklin, moved to amend the bill as follows:

"*Provided*, That no money shall be paid upon such award, until submitted to and payment ordered by the General Assembly of the State;

Which amendment was adopted.

The bill as amended, was then ordered to a third reading.

Mr. Allison, from the committee on enrolled bills, submitted the following report:

MR. PRESIDENT:

The committee on enrolled bills, to whom was referred bill (of the Senate) Nos. 51, 95, 12, have compared the enrolled with the engrossed, and find them correctly enrolled.

Mr. Buell, chairman of the committee on the State Bank, submitted the following report:

MR. PRESIDENT:

The committee on the State Bank, to whom was referred a resolution to enquire into the expediency of repealing the 9th section of the 9th chapter of the Revised Code of 1843," have had the same under consideration, and have directed me to report the following bill.

No. 210. A bill to amend the 9th chapter of the Revised Code of 1843;

Which was read a first time.

On motion by Mr. Buell,

The rules were suspended, and the bill read a second time.

Mr. Berry of Franklin, moved to amend the bill as follows:

"*Provided*, Such bank officer shall not be entitled to any fees as a notary, when he receives a salary as a bank officer."

On motion by Mr. Davis,

The amendment was laid upon the table.

On the engrossment of the bill,

The ayes and noes being called for by two Senators,

*Those who voted in the affirmative are,*

Messrs. Allison, Barbour, Bradbury, Chapman of Laporte, Chenowith, Coffin, Cuppy, Davis, Ellis, Goodenow, Hamer, Hamrick, Henry, Holloway, Howell, Lane, Montgomery, Moore, Morgan of Decatur, Orth, Pomeroy, Reyburn, Rockhill, Winchell, and Zenor—25.



*Those who voted in the negative are,*

Messrs. Akin, Berry of Franklin, Berry of Monroe, Bowers, Buell, Chapman of Daviess, Edmonson, English, Handy, Hardin, Herriman, Jackson, Jones, Leviston, Logan, Major, Miller, Morgan of Rush, Parks, Read, Todd, Verbribe, and Wood—23.

So the bill was ordered to be engrossed for a third reading.

Leave being granted,

Mr. Herriman introduced,

No. 211. A bill authorizing the recording of a road in Steuben county;

Which was read a first time.

On motion by Mr. Herriman,

The rules were suspended, and the bill read a second and third times and passed.

The President laid before the Senate the following communication of the President of the State Bank:

STATE BANK,  
Indianapolis, 7th January, 1846. }

*The Honorable the Senate of Indiana:*

In compliance with two resolutions of the Senate, of the 5th inst., I have the honor to herewith transmit to the Senate a copy of the entries made on the record of proceedings of the board of directors of the State Bank, under the two following entitled acts, to-wit: "An act to provide in part for the payment of the interest on the public debt, and to increase the stock of the State in the State Bank, and to authorize said Bank to issue notes of a less denomination than five dollars," approved February 6, 1841; and an act to amend an act approved February 6, 1837, entitled, "An act to provide for distributing so much of the surplus revenue of the United States as the State of Indiana may be entitled to and receive by virtue of an act of Congress, approved June 23, 1836."

Very respectfully,

J. MORRISON, *President.*

On motion by Mr. Buell,

The report was laid upon the table.

Mr. Parks, chairman of the committee on agriculture, submitted the following report:

MR. PRESIDENT:

The committee on agriculture, to whom was referred bill of the House No. 141, entitled, "An act to allow owners of partnership

fences to remove the same," have, according to order, had the same under consideration, and have directed me to report it back to the Senate, with one amendment (which is to strike out the word "nine" and insert "six"), and when so amended recommend its passage.

Which report was concurred in.

Mr. Morgan of Rush moved to amend the bill as follows:

"Provided, however, that nothing in this act shall be so construed as in any way or manner to impair the validity of any contract entered into between parties for keeping in repair their division fences."

Which amendment was adopted.

The bill, as amended, was then ordered to a third reading.

Mr. Miller, from the committee on corporations, submitted the following report:

MR. PRESIDENT:

The committee on corporations, to whom was referred a bill of the Senate, No. 199, to incorporate the Mount Carmel Hall of Liberty, in Franklin county, have had the same under consideration, and directed me to report the same back to the Senate, without amendment, and respectfully recommend its passage.

The bill was ordered to be engrossed for a third reading.

Mr. Miller, from the committee on corporations, submitted the following report:

MR. PRESIDENT:

The committee on corporations, to whom was referred a bill of the House, No. 169, to incorporate the Hagerstown Musical Institute, have had the same under consideration, and have directed me to report the same back to the Senate and respectfully recommend its passage.

The bill was ordered to a third reading.

Mr. Handy, from the committee on corporations, submitted the following report:

MR. PRESIDENT:

The committee on corporations, to whom was referred bill of the Senate No. 173, entitled, "A bill to incorporate the Greensfork and Hagerstown Turnpike Company," have had the same under consid-



ration, and have directed me to report it back to the Senate, with three amendments, and recommend its passage as amended:

Add:

"SEC. —. The directors in said company that shall contract any debts to laborers, for work upon said road, over and above the amount of stock, the payment of which is secured, shall be liable for the payment of all such excess, in their individual capacity. And should the company, in its corporate capacity, fail to pay for labor when done, and the directors prove insolvent, the stockholders shall be liable in their individual capacity for the payment of all dues for work done upon said road.

"SEC. —. The Legislature reserves the right to amend or repeal this charter whenever public good may require it, or its franchises prove oppressive to the people in the counties where they are erected.

"SEC. —. That nothing in this act shall be so construed as to authorize the issue of any scrip whatever."

Mr. Chapman of Laporte called for a division of the question on the adoption of the amendments.

The question then recurring upon the adoption of the first amendment,

The ayes and noes were called for by Messrs. Holloway and Herriman,

*Those who voted in the affirmative are,*

Messrs. Akin, Allison, Berry of Franklin, Berry of Monroe, Buell, Cuppy, Edmonson, English, Handy, Hardin, Herriman, Howell, Jackson, Jones, Lane, Leviston, Logan, Major, Miller, Parks, Read, and Rockhill—22.

*Those who voted in the negative are,*

Messrs. Barbour, Bradbury, Chapman of Laporte, Chenowith, Coffin, Davis, Ellis, Goodenow, Hamer, Hamrick, Holloway, Montgomery, Moore, Morgan of Decatur, Morgan of Rush, Orth, Pomeroy, Reyburn, Todd, Verbriek, Wood, and Zenor—22.

So the amendment was not adopted.

The question then recurred upon the adoption of the second amendment;

The ayes and noes being called for by Messrs. Holloway and Buell,

*Those who voted in the affirmative are,*

Messrs. Akin, Allison, Barbour, Berry of Franklin, Berry of Monroe, Buell, Cuppy, Edmonson, English, Hamrick, Handy, Hardin,

Henry, Herriman, Howell, Jackson, Jones, Lane, Leviston, Logan, Major, Miller, Parks, Read, and Rockhill—25.

*Those who voted in the negative are,*

Messrs. Bradbury, Chapman of Daviess, Chenowith, Coffin, Davis, Ellis, Goodenow, Hamer, Holloway, Montgomery, Moore, Morgan of Decatur, Morgan of Rush, Orth, Pomeroy, Reyburn, Todd, Verbriek, and Zenor—19.

So the amendment was adopted.

The question then recurring upon the adoption of the third amendment,

It was decided in the affirmative.

Mr. Berry of Franklin proposed the following amendment to the bill:

"The stockholders shall be individually liable for the payment of all debts contracted by the company which shall not be paid by them in their corporate capacity."

The ayes and noes being called for by Messrs. Holloway and Edmonson,

*Those who voted in the affirmative are,*

Messrs. Akin, Barbour, Berry of Franklin, Berry of Monroe, Chapman of Daviess, Chapman of Laporte, Cuppy, Edmonson, English, Handy, Hardin, Herriman, Howell, Jackson, Jones, Lane, Logan, Major, Miller, Parks, Read, and Rockhill—22.

*Those who voted in the negative are,*

Messrs. Bowers, Bradbury, Buell, Chenowith, Coffin, Davis, Ellis, Goodenow, Hamer, Hamrick, Henry, Holloway, Moore, Morgan of Decatur, Morgan of Rush, Orth, Pomeroy, Reyburn, Todd, Verbriek, Winchell, and Zenor—22.

So the amendment was not adopted.

Mr. Berry of Franklin then proposed the following amendment to the bill:

"The directors of said company shall be liable, in their individual capacity, for the payment of all dues for labor which they may contract for and not pay in their corporate capacity when due."

The ayes and noes being called for by Messrs. Holloway and Berry of Franklin,

*Those who voted in the affirmative are,*

Messrs. Akin, Berry of Franklin, Berry of Monroe, Buell, Chap-



man of Daviess, Cuppy, Edmonson, English, Handy, Hardin, Herriman, Howell, Jackson, Jones, Lane, Logan, Major, Miller, Parks, Read, and Rockhill—21.

*Those who voted in the negative are,*

Messrs. Barbour, Bowers, Bradbury, Chapman of Laporte, Chenowith, Coffin, Davis, Ellis, Goodenow, Hamer, Henry, Holloway, Moore, Morgan of Decatur, Morgan of Rush, Orth, Pomeroy, Reyburn, Todd, Verbriek, Winchell, and Zenor—22.

So the amendment was not adopted.

On the engrossment of the bill,

The ayes and noes were demanded by Messrs. Edmonson and Herriman,

*Those who voted in the affirmative are,*

Messrs. Bowers, Bradbury, Chenowith, Coffin, Davis, Ellis, Goodenow, Hamer, Hamrick, Henry, Holloway, Moore, Morgan of Decatur, Morgan of Rush, Orth, Pomeroy, Reyburn, Todd, Verbriek, Winchell, and Zenor—21.

*Those who voted in the negative are,*

Messrs. Akin, Barbour, Berry of Franklin, Berry of Monroe, Buell, Chapman of Daviess, Chapman of Laporte, Cuppy, Edmonson, English, Handy, Hardin, Herriman, Howell, Jackson, Jones, Lane, Logan, Miller, Parks, Read, and Rockhill—22.

So the bill was not ordered to be engrossed for a third reading.

A message from the House of Representatives by Mr. Kinder, their Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House have passed the following engrossed bills thereof:

No. 367. An act to define the lines of certain school districts in Clay county;

No. 383. An act to vacate a part of the village of Mishawaka in St. Joseph county;

No. 382. An act appointing a board of superintendents to superintend the changing or deepening the channel of, or leveeing the banks of Jordan creek, in Honey creek township, Vigo county, and for other purposes;

No. 369. An act giving certain powers and authority to the Frankfort road commissioners in Carroll county;

No. 368. An act for the relief of the heirs of the late Captain Richard McCarty.

Also, the House have passed the following joint resolution thereof:

No. 179. A joint resolution on the subject of the reduction of the price of the public lands.

The House have also passed the following engrossed bill of the Senate with one amendment:

No. 133. An act for the relief of Isaac Cowan and George Coonrod of Pike county.

In which amendment the concurrence of the Senate is requested.

The House of Representatives have concurred in the engrossed amendments of the Senate to bills of the House Nos. 59, 157, 142, 193, 185, 232, 238, 152.

On motion,

The Senate adjourned until two o'clock, P. M.

2 o'clock, P. M.

The Senate met.

The rules being suspended,

Mr. Chapman of Laporte offered the following resolution:

*Resolved*, That the Secretary of State be respectfully requested to lay before the Senate copies of the evidence filed in his office of the acceptance by the State Bank, of the amendments to the charter of said bank, approved February 6, 1841, and February 15, 1841.

Which was adopted.

The rules being suspended,

Mr. English, chairman of a select committee, made the following report:

MR. PRESIDENT:

The select committee, to whom was referred the petition of Alfred Amick and others, citizens of Scott county, asking relief for the heirs of Joel A. Jackson, deceased, have had that subject under consideration, and directed me to report a bill in accordance with the prayer of the petition, and recommend its passage:

No. 212. A bill to authorize the board doing county business in the county of Scott to adjust the accounts of Jacob A. Jackson, late treasurer of said county;



Which was read a first time.

On motion by Mr. English,  
The rules were suspended, and the bill read a second and third times, and passed.

The Senate then took up the orders of the day.

#### HOUSE BILLS ON THIRD READING.

No. 182. A bill to legalize certain acts therein named;

Read a third time, and passed.

No. 271. A bill to locate a State road in the counties of Ohio and Switzerland;

Read a third time and passed.

No. 268. A bill relating to the duties of county recorder;

Read a third time and passed.

No. 279. A bill for the relief of Sarah Wallace;

Read a third time and passed.

No. 278. A bill to provide for the election of county surveyors in Fulton and Marshall counties;

Read a third time.

On motion by Mr. Pomeroy,

The bill was amended by striking out the word "Marshall."

On motion by Mr. Herriman,

The bill was further amended by inserting therein the word "Steuben."

The bill, as amended, was then passed.

No. 313. A bill for the relief of Martha Jane Vanduzen, of Vanderburgh county;

Read a third time and passed.

No. 326. A bill to abolish the necessity of special legislation in Adams and Jay counties;

Read a third time and passed.

No. 308. A bill legalizing the acts of certain justices of the peace in Allen county;

Read a third time and passed.

No. 300. An act concerning road tax in the county of Wells.

Read a third time and passed.

No. 65. An act to attach certain territory therein named to the county of Jennings, for road purposes;

Read a third time and passed.

No. 310. An act relative to granting tavern licenses in the county of Cass;

Read a third time and passed.

No. 261. An act locating a State road in the counties of Fulton and Marshall;

Read a third time and passed.

No. 289. An act establishing a State road in the counties of Montgomery and Fountain;

Read a third time and passed.

No. 306. An act for the relief of Eliza Ann Storm, of Marion county;

Read a third time and passed.

No. 299. An act for the relief of Susan Whearly, of Hamilton county;

Read a third time and passed.

No. 254. An act authorizing John Havenstien, his heirs, and assigns to keep, maintain, and improve his mill premises and appurtenances, on the St. Mary's River, in Allen county;

Read a third time and passed.

No. 302. A bill to vacate the town of Blakesburg, in Putnam county;

Read a third time and passed.

No. 273. A bill authorizing B. F. C. Lodge, late collector for Jefferson county, to collect arrearages of taxes;

Read a third time and passed.

No. 43. An act establishing a State road in the counties of Elkhart and St. Joseph;

Read a third time and passed.

No. 110. An act to authorize a re-appraisement and sale of school lands in this State;

Read a third time and passed.

No. 241. An act for the relief of the citizens of district No. 3, in congressional township No. 28 north, of range 3 east, in Adams township, Cass county;

Read a third time, and passed.

No. 325. An act to relocate a part of a certain State road in Marion county;

Read a third time, and passed.

#### SENATE BILLS ON THEIR THIRD READING.

No. 171. A bill for the relief of Sarah Gregory, of Laporte county;

Read a third time, and passed.

No. 185. An act to incorporate the Covington band of musicians;

Read a third time, and passed.

No. 190. An act for electing an additional justice of the peace in Hendricks county;

Read a third time, and passed.

No. 141. An act for the relief of William Phillips, of St. Joseph county;

Read a third time, and passed.

No. 151. A bill to incorporate the White river Presbyterian Church and Society, in Greene county;

Read a third time, and passed.

No. 188. An act to extend an act entitled "An act to provide for



a more efficient mode of expending the road tax in the several counties therein named," approved January 15, 1844, to the county of Kosciusko;

Read a third time, and passed.

No. 186. A bill to extend the provisions of a certain act to the county of Allen;

Read a third time, and passed.

No. 174. An act to provide for the appointment of township assessors in the counties of Monroe and Morgan;

Read a third time, and passed.

No. 177. An act for the relief of the estate of Israel Phillips, late of Marion county;

Read a third time, and passed.

No. 167. A bill in relation to vending intoxicating liquors in Floyd county;

Read a third time, and passed.

No. 172. A bill in relation to the Laporte county library;

Read a third time, and passed.

No. 170. A bill to extend the Burlington and Lafayette State road;

Read a third time, and passed.

No. 166. A bill to divorce Matilda Knight, of Clay county, from her husband, Samuel Knight;

Read a third time.

On the passage of the bill,

The ayes and noes being called for by Messrs. Barbour and Logan,

*Those who voted in the affirmative are,*

Messrs. Akin, Berry of Franklin, Berry of Monroe, Chapman of Daviess, Chapman of Laporte, Davis, Edmonson, English, Handy, Hardin, Herriman, Howell, Jackson, Lane, Leviston, Major, Miller, Montgomery, Parks, Pomeroy, Read, Todd, Winchell, Wood, and Zenor—25.

*Those who voted in the negative are,*

Messrs. Allison, Barbour, Bowers, Bradbury, Buell, Chenowith, Cuppy, Ellis, Goodenow, Hamer, Hamrick, Henry, Holloway, Jones, Logan, Moore, Morgan of Decatur, Morgan of Rush, Reyburn, Rockhill, and Verbriek—21.

So the bill passed.

No. 178. A bill to amend an act entitled "An act to incorporate the Lafayette bridge company," approved January 13, 1845;

Read a third time; and,

On motion by Mr. Handy,

Laid upon the table.

No. 40. A bill supplemental to an act entitled "An act for the relief of Nathan Burchfield," approved February 11, 1843;

Read a third time.

Mr. Buell moved to lay the bill upon the table;

Which motion did not prevail.

On the passage of the bill,

The ayes and noes being called for by Messrs. Buell and Edmonson,

*Those who voted in the affirmative are,*

Messrs. Akin, Barbour, Berry of Monroe, Bowers, Bradbury, Chapman of Daviess, Chapman of Laporte, Chenowith, Coffin, Davis, Ellis, English, Goodenow, Herriman, Holloway, Jones, Major, Miller, Montgomery, Moore, Morgan of Decatur, Pomeroy, Reyburn, Todd, Verbriek, Winchell, Wood, and Zenor—28.

*Those who voted in the negative are,*

Messrs. Allison, Berry of Franklin, Buell, Cuppy, Edmonson, Hamer, Hamrick, Handy, Hardin, Henry, Howell, Jackson, Lane, Leviston, Logan, Morgan of Rush, Parks, Read, and Rockhill—19.

So the bill passed.

No. 162. A bill to amend an act relative to claims for damages on the public works;

Read a third time, and,

On motion by Mr. Akin,

Laid upon the table.

No. 13. A joint resolution establishing the per diem allowance of the probate and associate judges of Tippecanoe county;

Read a third time and passed.

No. 182. A bill to incorporate the Rockville and Montezuma Railroad Company;

Read a third time and passed.

No. 191. A bill for the relief of Ann Evans, of Martin county;

Read a third time and passed.

No. 194. A bill for the relief of Peter N. Clark, of Marion county;

Read a third time.

On the passage of the bill,

The ayes and noes being called for by Messrs. Barbour and Hamrick,

*Those who voted in the affirmative are,*

Messrs. Berry of Franklin, Chapman of Daviess, Chapman of Laporte, Davis, Edmonson, English, Handy, Henry, Herriman, Howell, Jackson, Lane, Leviston, Major, Miller, Montgomery, Parks, Pomeroy, Read, Rockhill, Todd, Winchell, Wood, and Zenor—24.



*Those who voted in the negative are,*

Messrs. Allison, Barbour, Berry of Monroe, Bowers, Bradbury, Buell, Chenowith, Ellis, Goodenow, Hamer, Hamrick, Holloway, Jones, Logan, Moore, Morgan of Decatur, Morgan of Rush, Reyburn, and Verbrike—19.

So the bill passed.

No. 180. A bill to dissolve the bonds of matrimony heretofore and now existing between William Beckford and Elizabeth Beckford;

Read a third time.

On the passage of the bill,

The ayes and noes being called for by Messrs. Barbour and Jones,

*Those who voted in the affirmative are,*

Messrs. Akin, Berry of Franklin, Berry of Monroe, Chapman of Daviess, Chapman of Laporte, Coffin, Cuppy, Davis, Edmonson, English, Handy, Hardin, Herriman, Howell, Lane, Leviston, Major, Miller, Montgomery, Parks, Pomeroy, Read, Todd, Winchell, Wood, and Zenor—26.

*Those who voted in the negative are,*

Messrs. Allison, Barbour, Bowers, Bradbury, Buell, Chenowith, Ellis, Goodenow, Hamer, Hamrick, Holloway, Jones, Logan, Moore, Morgan of Decatur, Morgan of Rush, Reyburn, Rockhill, and Verbrike—19.

So the bill was passed.

No. 192. A bill legalizing a certain record of the board of commissioners of Marshall county;

Read a third time and passed.

No. 104. An act to incorporate the Fort Wayne and Lima Turnpike Company;

Read a third time and passed.

No. 161. An act providing for the better payment of mortgages due the University fund;

Read a third time and passed.

No. 114. An act to amend the act relative to the asylum for the education of the deaf and dumb;

Read a third time and passed.

No. 169. An act for the relief of Moses Noble, of Vanderburgh county;

Read a third time.

On the passage of the bill,

The ayes and noes being called for by Messrs. Barbour and Jones,

*Those who voted in the affirmative are,*

Messrs. Akin, Berry of Franklin, Berry of Monroe, Chapman of Daviess, Chapman of Laporte, Coffin, Cuppy, Davis, Edmonson, English, Handy, Hardin, Herriman, Howell, Jackson, Lane, Leviston, Major, Montgomery, Parks, Pomeroy, Read, Todd, Winchell, Wood, and Zenor—26.

*Those who voted in the negative are,*

Messrs. Allison, Barbour, Bowers, Bradbury, Buell, Chenowith, Ellis, Goodenow, Hamer, Hamrick, Henry, Holloway, Jones, Logan, Moore, Morgan of Decatur, Morgan of Rush, Murphey, Orth, Rockhill, and Verbrike—21.

So the bill was passed.

No. 154. An act to incorporate the Fort Wayne and Plymouth Turnpike Company;

Read a third time and passed.

Mr. Berry of Monroe then moved to take from the table,

No. 73. A bill (of the House) to provide for the re-appraisement of real estate heretofore appraised, and subject to taxation;

Which motion prevailed.

When the bill was last under consideration, there was pending an amendment proposed by Mr. Berry of Monroe, making it the duty of county assessors elected to discharge the duties required by this act.

Also, an amendment, proposed by Mr. Read, to Mr. Berry's amendment, providing that nothing herein contained shall be so construed as to prevent the boards doing county business to appoint the present assessors to perform the duties required in this act.

The question recurring upon the adoption of the amendment to the amendment,

It was decided in the affirmative.

On motion,

The amendment of Mr. Berry was then amended, by providing that the assessors of the following counties shall act as appraisers within the same, to wit:

Scott, Crawford, Putnam, Monroe, Dubois, Johnson, Dearborn, Knox, Hendricks, Randolph, Stark, Morgan and Switzerland.

The question then recurring upon the adoption of the amendment as amended,

The ayes and noes were demanded by Messrs. Montgomery and Chapman of Laporte.

*Those who voted in the affirmative are,*

Messrs. Berry of Franklin, Berry of Monroe, Buell, Chapman of Daviess, Cuppy, Davis, Edmonson, Ellis, English, Goodenow, Hamer,



Hamrick, Handy, Hardin, Handy, Henry, Howell, Jackson, Jones, Lane, Logan, Major, Miller, Morgan of Decatur, Morgan of Rush, Parks, Read, Rockhill, Todd, Verbriek, Winchell, Wood, and Zenor—33.

*Those who voted in the negative are,*

Messrs. Akin, Allison, Barbour, Bowers, Bradbury, Chapman of Laporte, Chenoweth, Coffin, Herriman, Holloway, Leviston, Montgomery, Moore, Murphey, Pomeroy, and Reyburn—16.

So the amendment as amended, was adopted.

Mr. Logan then proposed the following amendment to the bill:

"*Provided*, That nothing in this act shall be so construed, as to permit the board doing county business in the county of Washington, to appoint any other person than the assessor of the personal property of said county, to assess the real estate thereof;"

Which amendment was adopted.

Mr. Pomeroy proposed the following amendment to the bill:

"*Provided*, That when any of said counties have no assessor, the board doing county business shall appoint an appraiser;"

Which amendment was adopted.

The bill was then read a third time, the rules being suspended, and passed.

The rules being suspended,

Mr. Herriman offered the following resolution:

*Resolved*, That when the Senate adjourn, it will adjourn to meet at 9 o'clock, on Saturday morning next.

Which was adopted.

Mr. Jones moved to take from the table,

No. 162. A bill (of the Senate) to amend an act relative to claims for damages on the public works;

Which motion prevailed.

The bill was then read a third time and passed.

Mr. Edmonson moved to take from the table,

No. 305. A bill (of the House) for the relief of Robert Stockwell, of Gibson county;

Which motion prevailed.

On motion by Mr. Edmonson,

The rules were suspended, and the bill read a third time and passed.

Mr. Reyburn moved to take from the table,

No. 266. A bill (of the House) for the relief of James Miller;

Which motion prevailed.

On motion by Mr. Reyburn,

The rules were suspended, and the bill read a third time and passed.

Mr. Morgan of Rush, moved to take from the table,

No. 97. A bill (of the Senate) defining the duties of county treasurer, county auditor, and supervisors of highways;

Which motion prevailed.

On motion by Mr. Morgan of Rush,

The bill was referred to a select committee of Messrs. Morgan of Rush, Berry of Monroe, and Hamer, with instructions to confine the law in its operation to such counties as may desire it.

#### SENATE BILLS ON THEIR SECOND READING.

No. 202. A bill amendatory of the several acts incorporating the town of Indianapolis;

Read a second time, and ordered to be engrossed for a third reading.

No. 203. A bill for the relief of Benjamin H. Scott, of Miami county;

Read a second time, and ordered to be engrossed for a third reading.

No. 206. A bill in relation to the repairing of the college buildings;

Read a second time.

Mr. Montgomery moved to refer the bill to the committee on the judiciary;

Which motion did not prevail.

On motion by Mr. Todd,

The bill was then referred to the committee on finance.

Messages from the House of Representatives were then taken up.

No. 179. A joint resolution on the subject of the reduction of the price of the public lands;

Read a first time, and ordered to a second reading.

No. 133. A bill (of the Senate) for the relief of Isaac Cowan and George Coonrod, of Pike county;

The following engrossed amendment of the House of Representatives, was then concurred in by the Senate.

"Amend the bill by striking out all after the word 'by,' in the sixth line, of section one, and add the following words, 'Then for the sum of sixty eight dollars, seventy nine and a half cents, payable to the school commissioner of the county aforesaid.'"

No. 368. A bill for the relief of the heirs of the late Captain Richard McCarty;

Read a first time,

On motion by Mr. Read,

The rules were suspended, and the bill read a second and third times, and passed;

No. 369. A bill giving certain powers and authority to the Frankfort road commissioners, in Carroll county;

Read a first time and ordered to a second reading.

No. 382. A bill appointing a board of superintendents, to super-



intend the changing or deepening the channel, or leveeing the banks of Jordan creek, in Vigo county, and for other purposes;

Read a first time, and ordered to a second reading.

No. 367. A bill to define the lines of certain school districts, in Clay county;

Read a first time and ordered to a second reading.

No. 383. A bill to vacate a part of the village of Mishawaka, in St. Joseph county;

Read a first time, and ordered to a second reading;

No. 348. An act to extend the time of commissioners' court in the counties of Hamilton and Laporte;

Read a first time, and ordered to a second reading.

No. 374. A bill to vacate a public highway, in the county of Greene;

Read a first time, and ordered to a second reading.

No. 379. A bill to amend an act to incorporate the Buffalo and Mississippi railroad company, approved February 6, 1835;

Read a first time.

On motion by Mr. Chapman of Laporte,

The rules were suspended, and the bill read a second time, and referred to a select committee of Messrs. Chapman of Laporte, Heriman, and Cuppy;

No. 328. A bill to divorce Mary Ann Banks, from her husband, Henry Banks;

Read a first time, and ordered to a second reading.

No. 337. A bill to divorce Peter Johnson and Mary Johnson, of Hancock county;

Read a first time, and ordered to a second reading.

No. 323. A bill to require certain statutes to be published in some newspaper at Indianapolis, and for other purposes;

Read a first time, and ordered to a second reading.

No. 322. A bill to authorize Aaron R. Sayer and Daniel Sayer, to build a dam across Mississinewa river, in Wabash county;

Read a first time, and ordered to a second reading.

No. 321. A bill to establish a State road in the counties of DeKalb and Allen;

Read a first time, and ordered to a second reading.

No. 320. A bill for the relief of messengers to notify electors for President and Vice President of the United States;

Read a first time, and ordered to a second reading.

No. 292. A bill for the relief of Jacob Jones, sen.;

Read a first time, and ordered to a second reading.

No. 213. An act to amend an act entitled "An act to provide for the continuation of the construction of all or any part of the public works, by private companies, &c.;

Read a first time, and ordered to a second reading.

No. 347. A bill to amend the law regulating duties of supervisors of roads;

Read a first time, and ordered to a second reading.

No. 344. A bill to authorize the levy of a road tax in the county of Franklin;

Read a first time, and ordered to a second reading.

No. 338. A bill to amend an act entitled "An act to establish a free turnpike road in Jay county," approved January 13, 1845;

Read a first time, and ordered to a second reading.

No. 337. A bill for the collecting of road tax, in the county of Hamilton;

Read a first time, and ordered to a second reading.

No. 335. A bill for the relief of James Kitchen;

Read a first time, and ordered to a second reading.

No. 333. A bill to declare a misprint in a certain case;

Read a first time, and ordered to a second reading.

No. 330. A bill to amend the several acts providing for the preservation of the State House, State Library, and legislative papers;

Read a first time, and ordered to a second reading.

No. 319. A bill for the payment of Mary Wood and others, of damages recovered by them against the State, for injury to their lands by the construction of the Jeffersonville and Crawfordsville road;

Read a first time, and ordered to a second reading.

On motion,

The Senate adjourned.

SATURDAY MORNING, JAN. 10, 1846.

The Senate assembled.

The Journal of the preceding day was read.

Mr. Zenor presented the remonstrance of sundry citizens of Harrison county against the addition of a part of said county to that of Crawford; which,

On motion by Mr. Zenor,

Was referred to the select committee having that subject under consideration.

Mr. Akin presented the petition of sundry citizens of Sullivan county in relation to the formation of a school district;

Which was referred to a select committee of Messrs. Akin, Logan and Zenor.

Mr. Handy presented the petition of sundry citizens of Shelby county to abolish the office of a justice of the peace;



Which was referred to a select committee of Messrs. Handy, Henry and Edmonson.

Mr. Todd presented the petition of sundry citizens of the city of Indianapolis, on the subject of repealing certain portions of the charter of said city.

On motion by Mr. Todd,

The petition was referred to the select committee now having that subject under consideration.

Mr. Murphey presented the petition of Samuel Rich and others on the subject of the repeal of certain laws therein named.

On motion by Mr. Logan,

The petition was laid upon the table.

Mr. Montgomery presented the petition of sundry citizens of Warren county in relation to appeals in certain cases;

Which was referred to the committee on the judiciary.

Mr. Murphey presented the petition of John Polk and others, praying the repeal of the present execution law; which,

On motion by Mr. Murphey,

Was referred to the select committee on that subject.

Mr. Holloway presented the petition of sundry citizens of Wayne county in relation to a certain State road therein named.

On motion by Mr. Holloway,

The petition was laid upon the table.

Mr. Winchell presented the petition of George Atkinson and others, in relation to the abolition of slavery.

Mr. Ellis moved to lay the petition upon the table;

The ayes and noes being called for by Messrs. Pomeroy and Ellis,

*Those who voted in the affirmative are,*

Messrs. Barbour, Chapman of Daviess, Cuppy, Davis, Edmonson, Ellis, English, Hamer, Hamrick, Handy, Henry, Howell, Jones, Miller, Parks, Todd, and Zenor—17.

*Those who voted in the negative are,*

Messrs. Akin, Berry of Franklin, Berry of Monroe, Bowers, Bradbury, Buell, Chapman of Laporte, Chenowith, Coffin, Goodenow, Hardin, Herriman, Holloway, Lane, Leviston, Logan, Miller, Montgomery, Moore, Morgan of Decatur, Morgan of Rush, Murphey, Orth, Pomeroy, Read, Reyburn, Rockhill, Verbribe, Winchell, and Wood—30.

So the motion to lay upon the table did not prevail.

Mr. Winchell moved to refer the petition to the committee on the judiciary;

The ayes and noes being called for by Messrs. Logan and Pomeroy,

*Those who voted in the affirmative are,*

Messrs. Bowers, Bradbury, Chenowith, Coffin, Ellis, Hamer, Hamrick, Holloway, Howell, Lane, Montgomery, Moore, Morgan of Decatur, Morgan of Rush, Murphey, Orth, Parks, Pomeroy, Reyburn, Todd, Verbribe, and Winchell—22.

*Those who voted in the negative are,*

Messrs. Akin, Barbour, Berry of Franklin, Berry of Monroe, Buell, Chapman of Daviess, Chapman of Laporte, Cuppy, Davis, Edmonson, English, Goodenow, Handy, Hardin, Henry, Herriman, Jones, Leviston, Logan, Major, Miller, Read, Rockhill, Wood, and Zenor—25.

So the petition was not so referred.

A debate having sprung up upon the petition,

The consideration thereof was postponed until Monday next.

Mr. Winchell presented the petition of sundry citizens of Grant county in relation to the abolition of slavery;

Which was laid over until Monday next.

Mr. Davis presented the petition of the agent of the heirs and legal representatives of J. Fishlie, praying for relief; which,

On motion by Mr. Davis,

Was referred to the committee on the judiciary.

Mr. Winchell presented the petition of sundry citizens of Delaware county in relation to granting licenses for the sale of intoxicating liquors; which,

On motion by Mr. Winchell,

Was referred to a select committee of Messrs. Winchell, Herriman and Bowers.

Mr. Rockhill presented the petition of Jonathan Marquart on the subject of the education of his blind children; which,

On motion by Mr. Rockhill,

Was referred to the committee on education.

Mr. Handy presented the petition of sundry citizens of Shelby county on the subject of a certain road therein named.

Which was referred to the committee on roads.

Mr. Chapman of Laporte, chairman of the committee on the judiciary, submitted the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred bill of the Senate No. 200, "A bill to provide for the erection of the edifice for the Indiana Hospital for the Insane," have had the same under consideration, and have directed me to report the same back, and recommend the adoption of the following as a substitute therefor:



No. 200. A bill authorizing the erection of suitable buildings for the use of the Lunatic Asylum;

Which report was concurred in.

Mr. Berry of Franklin then proposed the following amendment to the bill:

"*Provided*, The commissioners shall not appoint one of their own body superintendent."

On the adoption of the amendment,

The ayes and noes were called for by Messrs. Berry of Franklin and Buell; and,

*Those who voted in the affirmative are,*

Messrs. Berry of Franklin, Cuppy, Edmonson, English, Herri-man, Logan, Major, Read, and Wood—9.

*Those who voted in the negative are,*

Messrs. Akin, Barbour, Bowers, Bradbury, Buell, Chapman of Daviess, Chapman of Laporte, Coffin, Davis, Ellis, Goodenow, Hamrick, Handy, Hardin, Henry, Holloway, Howell, Jones, Montgomery, Moore, Morgan of Decatur, Morgan of Rush, Orth, Parks, Pomeroy, Todd, Verbrike, Winchell, and Zenor—30.

So the amendment was not adopted.

On motion by Mr. Chapman of Laporte,

The rules were suspended, and the bill read a third time and passed.

Mr. Ellis, from the committee on the judiciary, submitted the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred House bill No. 86, authorizing the trustees for the Vincennes University to bring suit against the State, and for other purposes, having had the same under consideration, have instructed me to report it back to the Senate and recommend its passage.

The bill was ordered to a third reading.

Mr. Davis, from the committee on the judiciary, submitted the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred bill of the House No. 311, entitled, "An act amendatory of the 3d article of the 16th chapter, section 90, of the Revised Statutes of 1843, so far as relates to the counties of Cass and Tippecanoe," have had said bill under consideration, and have instructed me to report the same back and recommend its passage.

On motion by Mr. Davis,

The bill was amended by striking out the word "Tippecanoe."

The question,

"Shall the bill be ordered to a third reading?"

Was decided in the negative.

Mr. Berry of Monroe, from the committee on the judiciary, submitted the following report:

MR. PRESIDENT:

The judiciary committee, to whom was directed bill of the House of Representatives No. 236, entitled "An act to amend the 10th article of the 40th chapter of the Revised Statutes of 1843," have had the subject matter therein contained under consideration, and have directed that the same be reported back to the Senate, and recommend its indefinite postponement.

Which report was concurred in, and the bill indefinitely postponed.

Mr. Ellis, from the committee on the judiciary, submitted the following report:

MR. PRESIDENT:

The committee on the judiciary to which was referred Senate bill No. 164, for the relief of James P. Creager of Knox county, after having had the same under consideration, have instructed me to report the same back to the Senate, and recommend its passage.

The bill was ordered to be engrossed for a third reading.

Mr. Pomeroy, from the committee on the judiciary, submitted the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred Senate bill No. 195, entitled "A bill in relation to certificates and patents of Michigan road lands," have had the same under consideration, and instructed me to report the same back, and recommend its passage.

The bill was ordered to be engrossed for a third reading.

Mr. Ellis, from the committee on the judiciary, submitted the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred House bill



No. 91, "relative to the punishment of treason and murder in the first degree," having had the same under consideration, have instructed me to report it back to the Senate, and recommend its passage.

The bill was ordered to a third reading.

Mr. Berry of Monroe, from the committee on the judiciary, submitted the following report:

MR. PRESIDENT:

The judiciary committee, to whom was referred bill of the House of Representatives No. 315, entitled "A bill to define the powers of judges when acting on writs of habeas corpus and applications for writs of injunction," have had the subject matter therein contained under consideration, and directed that the same be reported back to the Senate, and recommend its passage.

The bill was ordered to a third reading.

Mr. Pomeroy, from the committee on the judiciary, submitted the following report:

MR. PRESIDENT:

The judiciary committee to whom was referred a bill of the House, No. 55, entitled "An act relative to the issuing of executions," have had the same under consideration, and instructed me to report the same back to the Senate, and recommend its passage.

The bill was ordered to a third reading.

Mr. Henry, from the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred bill of the House No. 312, an act declaratory of an act therein named, passed and approved February 15, 1839, have had the same under consideration, and directed me to report the said bill back to the Senate, and recommend its passage.

The bill was ordered to a third reading.

Mr. Henry, from the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred bill of the

Senate) No. 184, a bill authorizing certain proceedings to correct the records of the several circuit and probate courts, have had that subject under consideration, and directed me to report said bill back to the Senate, and recommend its indefinite postponement.

Which report was concurred in.

Mr. Ellis, from the committee on the judiciary, submitted the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred Senate bill, No. 69, abolishing capital punishment, have instructed me to report the same back to the Senate, and recommend that the same be laid on the table, inasmuch as a bill of the House has been reported containing the same provisions.

So the report was concurred in.

Mr. Pomeroy, from the committee on the judiciary, submitted the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred a bill of the House, No. 248, entitled "An act prescribing the mode of advertising sales of lands returned delinquent for non-payment of taxes," have had the same under consideration, and instructed me to report the same back to the Senate, and recommend its passage.

The bill was ordered to a third reading.

Mr. Barbour, from the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary to whom was referred bill (of the House) No. 256, "An act to repeal the 92d, 93d, and 94th sections of chapter 15, of the Revised Statutes of 1843," &c., &c., have had the same under consideration, and have directed me to report the bill back to the Senate, and recommend its indefinite postponement.

Which report was concurred in.

Mr. Chapman of Laporte, chairman of the committee on the judiciary, submitted the following report:



MR. PRESIDENT:

The committee on the judiciary to whom was referred bill (of the House of Representatives) No. 4, "A bill for the relief of David Stoner and others," have had the same under consideration, and have directed me to report the same back without amendment, and recommend its passage.

The said bill was ordered to a third reading.

Mr. Chapman of Laporte, chairman of the committee on the judiciary, submitted the following report:

MR. PRESIDENT:

The committee on the judiciary to whom was referred bill (of the Senate) No. 197, "A bill to amend an act entitled 'an act regulating the fees and salaries of the several officers and persons therein named,' approved February 7, 1831," have had the same under consideration, and have directed me to report the same back, with one amendment, and upon the adoption thereof, to recommend its passage.

"Strike out all after the enacting clause, and insert the following:

"That the 12th section of the above recited act, is hereby repealed;"

Which report was concurred in.

The bill as amended, was then ordered to be engrossed for a third reading.

Mr. Holloway, from the committee on the judiciary, submitted the following report:

MR. PRESIDENT:

The committee on the judiciary to whom was referred bill (of the House) No. 265, entitled "An act limiting the time within which actions for the recovery of real estate shall be commenced," have examined the same, and have directed me to report the same back to the Senate, and recommend that it be indefinitely postponed.

On motion by Mr. Buell,

The bill and report were laid upon the table.

Mr. Holloway, from the committee on the judiciary, submitted the following report:

MR. PRESIDENT:

The committee on the judiciary to whom was referred bill (of the House) No. 251, entitled "An act for the relief of Alexander J.

Line, of Wayne county," have duly examined the same, and have directed me to report it back to the Senate, and recommend its passage.

The said bill was ordered to a third reading.

Mr. Barbour, from the committee on the judiciary, submitted the following report:

MR. PRESIDENT:

The committee on the judiciary to whom was referred bill (of the House) No. 317, "A bill for the relief of the heirs of Henry Stephenson, deceased, late of Boone county," have had the same under consideration, and have instructed me to report the same back, and recommend its passage.

The bill was ordered to a third reading.

Mr. Holloway, from the committee on the judiciary, submitted the following report:

MR. PRESIDENT:

The committee on the judiciary to whom was referred bill (of the House) No. 316, entitled "An act authorizing district and township trustees to administer oaths in certain cases," have had the same under their consideration, and have directed me to report the same back to the Senate, and recommend that it be indefinitely postponed.

Which report was concurred in.

Mr. Barbour, from the committee on the judiciary, submitted the following report:

MR. PRESIDENT:

The committee on the judiciary to whom was referred bill (of the House) No. 139, "An act to amend the 1st article of the 53d chapter of the Revised Statutes of 1843, and for other purposes," have had the same under consideration, and recommend the adoption of the following amendments, and the passage of the bill.

Amend the second section;

At the end of the first line of said section, after the word "shall," insert, "gain;" at the end of the second line, after the word "and," insert, "shall have;"

Which report was concurred in, and amendments adopted.

The bill as amended, was then ordered to a third reading.



Mr. Davis, from the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary to whom was referred bill (of the House) No. 277, entitled an "Act to prevent county auditors from practising as attorneys and counsellors at law, in the county commissioners' court," have had the same under consideration, and directed me to report the bill back to the Senate, and recommend its passage.

The said bill was ordered to a third reading.

Mr. Todd, chairman of the committee on education, submitted the following report:

MR. PRESIDENT:

The committee to whom was referred bill (of the House) No. 231, for the relief of Benjamin Powell, have directed me to report the same back to the Senate, and respectfully recommend its passage.

The said bill was ordered to a third reading.

Mr. Lane, chairman of the committee on canals and internal improvements, submitted the following report:

MR. PRESIDENT:

The committee on canals and internal improvements to whom was referred bill (of the House) No. 240, providing for the erection of a road bridge across the Wabash and Erie canal, east of Lafayette, have had the same under consideration, and directed me to report the same back to the Senate, and recommend its passage.

The bill was ordered to a third reading.

Mr. Edmonson, chairman of the committee on corporations, submitted the following report:

MR. PRESIDENT:

The committee on corporations, to whom was referred bill of the Senate No. 196, "A bill to incorporate the Indiana State Medical Society," have had the same under consideration, and have directed me to report the same back to the Senate, with one amendment, and on the adoption of the same, to recommend its passage.

Amend as follows:

"Strike out the seventh section of the bill."

On concurring in the report,  
The ayes and noes were called for by Messrs. Buell and Barbour;  
and

*Those who voted in the affirmative are,*

Messrs. Akin, Berry of Monroe, Bradbury, Chapman of Laporte, Chenowith, Coffin, Davis, Edmonson, Ellis, English, Goodenow, Hamer, Hamrick, Handy, Hardin, Henry, Herriman, Howell, Jones, Leviston, Logan, Major, Miller, Montgomery, Moore, Morgan of Rush, Orth, Parks, Pomeroy, Read, Reyburn, Rockhill, Todd, Verbrake, Winchell, Wood, and Zenor—37.

*Those who voted in the negative are,*

Messrs. Barbour, Bowers, Buell, Chapman of Daviess, Cuppy, Jackson, and Morgan of Decatur—7.

So the report was concurred in.

The bill, as amended, was then ordered to be engrossed for a third reading.

The following message was received from the House of Representatives by Mr. Kinder, their Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House have passed the following engrossed bill of the Senate, without amendment:

No. 67. An act to apportion Senators and Representatives for the next five years.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House have passed,

No. 418. A bill (of the House) for the relief of the widow of Thomas Murphy, deceased, of Brookville, in the county of Franklin;

In which the concurrence of the Senate is most respectfully requested.

Mr. Edmonson, chairman of the committee on corporations, submitted the following report:

MR. PRESIDENT:

The committee on corporations, to whom was referred bill of the House No. 250, "A bill to incorporate the Ohio and Indianapolis Railroad Company," have had the same under consideration, and



have directed me to report the same back to the Senate, with three amendments, and recommend their adoption:

Amend as follows:

"SEC. —. The directors shall be individually liable for the payment of all dues to laborers, for work done upon said road, that shall not be paid when due by said company in its corporate capacity.

"SEC. —. The Legislature reserves the right to alter this charter, and repeal the same when violated, but if repealed, the remainder of its assets, after paying the debts of the corporation, shall be divided among the several stockholders, in proportion to the amount of stock paid in by each.

"SEC. —. Said company shall not be authorized to issue any scrip or any evidence of indebtedness, for the purpose of creating a circulating medium."

Which report was concurred in, and the amendments adopted.

Mr. Davis proposed the following amendment to the bill:

Amend the fourteenth section by striking out the words, "from the town of Jeffersonville, near the falls of the Ohio," and insert, in lieu thereof, the following words:

"From the city of New Albany, below the falls of the Ohio river, by way of Jeffersonville."

Pending which,

On motion,

The Senate adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

The Senate met,

And proceeded to the consideration of the orders of the day.

#### BILLS ON THIRD READING.

No. 69. A bill (of the House) in relation to a contractor on the Madison and Indianapolis Railroad;

Read a third time.

On the passage of the bill,

The ayes and noes being called for by Messrs. Parks and Hamrick,

*Those who voted in the affirmative are,*

Messrs. Barbour, Bowers, Chapman of Laporte, Chenowith, Coffin, Davis, Ellis, English, Goodenow, Hamer, Handy, Henry, Herriman, Holloway, Jones, Lane, Moore, Morgan of Decatur, Orth, Pomeroy, Reyburn, Todd, Verbrike, Winchell, and Zenor—25.

*Those who voted in the negative are,*

Messrs. Akin, Berry of Franklin, Berry of Monroe, Bradbury, Buell, Chapman of Daviess, Cuppy, Edmonson, Hamrick, Hardin, Jackson, Leviston, Logan, Miller, Morgan of Rush, Parks, Read, Rockhill, and Wood—19.

So the bill was passed.

No. 141. A bill (of the House) to allow owners of partnership fences to remove the same;

Read a third time and passed.

No. 212. A bill (of the House) transferring the duties of school commissioners, in the counties of Daviess and Martin, to the treasurers of said counties;

Read a third time and passed.

No. 145. A joint resolution (of the House) on the subject of procuring a law by Congress in relation to the sale of congressional townships;

Read a third time and passed.

No. 6. A joint resolution (of the Senate) on the subject of vacant lands in the State of Indiana;

Read a third time and passed.

No. 220. A joint resolution (of the House) on the subject of the reservoir in Mercer county, Ohio;

Read a third time and passed.

No. 207. A bill (of the Senate) for the relief of the securities of William Johnson, late collector of Sullivan county;

Read a third time and passed.

No. 169. A bill (of the House) to incorporate the Hagerstown Musical Institute;

Read a third time and passed.

No. 199. A bill (of the Senate) to incorporate the Mount Carmel Hall of Liberty, in Franklin county;

Read a third time and passed.

No. 202. A bill (of the Senate) amendatory of the several acts incorporating the town of Indianapolis;

Read a third time and passed.

No. 203. A bill (of the Senate) for the relief of Benjamin H. Scott, of Miami county;

Read a third time and passed.

No. 210. A bill (of the Senate) to amend the ninth chapter of the Revised Statutes of 1843;

Read a third time.

The question,

"Shall the bill pass?"

Was decided in the negative.



## BILLS ON SECOND READING.

No. 319. A bill (of the House) for the payment to Mary Wood and others of damages recovered by them against the State for injury to their lands by the construction of the Jeffersonville and Crawfordsville road;

Read a second time and referred to the committee on claims.

No. 213. A bill (of the House) to amend an act entitled, "An act to provide for the continuance of the construction of all or any part of the public works by private companies, and for abolishing the board of internal improvements," &c.;

Read a second time and referred to the committee on corporations.

No. 347. A bill (of the House) to amend the law regulating the duties of supervisors of roads;

Read a second time and referred to the committee on roads.

A message from the House of Representatives:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House have passed the following engrossed bill of the Senate:

No. 75. An act relative to the northern division of the Central canal;

With one amendment.

In which amendment the concurrence of the Senate is requested.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House [have passed the] following engrossed bills of the Senate with amendments:

No. 153. An act fixing a certain annual compensation to the auditor of Boone county;

With three amendments.

No. 71. An act to incorporate the Crawfordsville and Wabash Railroad Company;

With one amendment.

In which amendments of the House the concurrence is requested. The House have concurred in the amendments of the Senate to bills of the House Nos. 186, 28, 207.

MR. PRESIDENT:

I am directed by the House to inform the Senate that the House have passed the following engrossed bills of the Senate without amendment:

No. 53. An act to provide for the continuance of the Madison and Indianapolis railroad to Lafayette;

No. 119. An act to provide for the continuation of the Madison and Indianapolis railroad to Pendleton, Huntsville and Anderson-town;

No. 102. An act for the relief of Absalom Paynter, of Henry county;

No. 204. An act for the relief of William Starks;

No. 176. An act to authorize the president and trustees of the town of Lafayette, in Tippecanoe county, to open and grade streets and construct side-walks in said town;

No. 212. An act to authorize the board doing county business in the county of Scott to adjust the accounts of Jacob A. Jackson, late treasurer of said county.

Mr. Herriman moved to take from the table,

No. 163. A bill (of the Senate) leasing the Indiana State Prison, and for other purposes;

Which motion prevailed.

Mr. Howell moved to amend the bill by striking out all after the enacting clause and insert the following:

No. 163. A bill amending the several acts regulating the State Prison.

Mr. Chapman of Laporte moved to amend the amendment by filling the blank with \$10,000.

Mr. Lane moved to refer the bill to the committee on the judiciary;

Which motion did not prevail.

The question then recurring upon the adoption of Mr. Chapman's amendment,

It was decided in the negative.

On motion by Mr. Montgomery,

The said blank was filled with \$8,000.

The question then recurred upon the adoption of Mr. Howell's amendment.

Mr. Edmonson called for a division of the question;

The question being on striking out,

The ayes and noes were called for by Messrs. Davis and Handy; and,

*Those who voted in the affirmative are,*

Messrs. Bowers, Chapman of Daviess, Davis, English, Hamer, Hamrick, Henry, Herriman, Howell, Jackson, Leviston, Major, Miller, Moore, Winchell, and Zenor—16.



*Those who voted in the negative are,*

Messrs. Akin, Allison, Barbour, Berry of Franklin, Berry of Monroe, Bradbury, Buell, Chapman of Laporte, Chenowith, Coffin, Cuppy, Edmonson, Ellis, Goodenow, Handy, Hardin, Holloway, Jones, Lane, Logan, Montgomery, Morgan of Decatur, Morgan of Rush, Orth, Parks, Pomeroy, Read, Reyburn, Rockhill, Todd, Verbriek, and Wood—33.

So the Senate refused to strike out.

Mr. Davis moved to recommit the bill to the committee on the judiciary with instructions to strike out the name of "Simon Bortoff," wherever it occurs, and amend the bill so as to provide that the person taking the prison shall be elected by joint ballot of the Legislature.

The ayes and noes being called for by Messrs. Davis and Herriman,

*Those who voted in the affirmative are,*

Messrs. Bowers, Bradbury, Chapman of Daviess, Chenowith, Coffin, Davis, Ellis, Goodenow, Hamer, Hamrick, Henry, Herriman, Howell, Leviston, Major, Miller, Montgomery, Moore, Morgan of Decatur, Morgan of Rush, Murphey, Orth, Pomeroy, Reyburn, Todd, Verbriek, Winchell, Wood, and Zenor—29.

*Those who voted in the negative are,*

Messrs. Akin, Barbour, Berry of Franklin, Berry of Monroe, Buell, Chapman of Laporte, Cuppy, Edmonson, English, Handy, Hardin, Holloway, Jackson, Jones, Logan, Parks, Read, and Rockhill—18.

So the bill was committed with said instructions.

Mr. Todd moved to take from the table,

No. 175. A bill (of the House) to dissolve the bonds of matrimony between Frederick Hartsell and Rosana Hartsell;

Which motion prevailed.

The bill was then passed.

No. 330. A bill (of the House) to amend the several acts providing for the preservation of the State House, State Library and legislative papers;

Read a second time and ordered to a third reading.

A message from the House of Representatives by Mr. Kinder, their Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House have passed the following engrossed bills thereof:

No. 276. An act in relation to the jurisdiction of justices of the peace;

No. 339. An act to repeal part of a certain act therein named, and for other purposes;

No. 359. An act to incorporate the Philomathean Society of the Indiana University;

No. 364. An act to attach the county of Tippecanoe to the eighth judicial circuit, and for other purposes;

No. 380. An act to authorize the sale of a school section in Jay county;

No. 387. An act to legalize the assignment of certificates to certain school lands in this State;

In which the concurrence of the Senate is respectfully requested.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House have passed the following engrossed bill thereof:

No. 385. An act to establish an additional election precinct in Union township, Perry county;

In which the concurrence of the Senate is requested.

The House have also passed the following engrossed bill of the Senate without amendment:

No. 152. An act to divorce Cynthia Duvault from William W. Duvault, her husband, and also Blista Ann Huffman from her husband Jacob Huffman.

The House have also passed the following engrossed joint resolution thereof:

No. 436. A joint resolution of the General Assembly of the State of Indiana in relation to Col. John Spencer's settlement with the United States as late receiver in the land office of the United States at Fort Wayne;

In which the concurrence of the Senate is requested.

No. 348. A bill (of the House) to extend the time of commissioners' court in the counties of Hamilton and Laporte;

Read a second time.

On motion by Mr. Chapman of Laporte,

The rules were suspended, and the bill read a third time and passed.

Mr. Rockhill moved to take from the messages of the House,

No. 436. A joint resolution (of the House) in relation to Col.



John Spencer's settlement with the United States as late receiver in the land office at Fort Wayne;

Which motion prevailed.

The joint resolution was read a first time.

On motion by Mr. Rockhill,

The rules were suspended, and the joint resolution read a second and third times and passed.

No. 382. A bill (of the House) appointing a board of superintendents to superintend the changing or deepening the channel or leveeing the banks of Jordan creek, in Vigo county;

Read a second time and ordered to a third reading.

No. 383. A bill (of the House) to vacate a part of the village of Mishawaka, in St. Joseph county:

Read a second time and ordered to a third reading.

No. 367. A bill (of the House) to define the lines of certain school districts in Clay county;

Read a second time and ordered to a third reading.

No. 369. A bill (of the House) giving certain powers and authority to the Frankfort road commissioners in Carroll county;

Read a second time and ordered to a third reading.

No. 292. A bill (of the House) for the relief of Jacob Jones, sen.;

Read a second time and ordered to a third reading.

No. 320. A bill (of the House) for the relief of Messengers to notify electors for President and Vice-President of the United States;

Read a second time.

On motion by Mr. Hamrick,

The rules were suspended, and the bill read a third time, and passed.

No. 321. A bill (of the House) to establish a State road in the counties of Dekalb and Allen;

Read a second time and ordered to a third reading.

No. 322. A bill (of the House) to authorize Aaron R. Sayer and Daniel Sayer to build a dam across Mississinewa river, in Wabash county;

Read a second time and ordered to a third reading.

No. 179. A joint resolution (of the House) on the subject of the reduction of the price of the public lands;

Read a second time, and referred to the committee on federal relations.

No. 323. A bill (of the House) to require certain statutes to be published in some newspaper at Indianapolis, and for other purposes;

Read a second time, and referred to the committee on the judiciary.

No. 374. A bill (of the House) to vacate a public highway in the county of Greene;

Read a second time and ordered to a third reading.

No. 333. A bill (of the House) to declare a misprint in a certain case;

Read a second time, and referred to the committee on the judiciary.

No. 335. A bill (of the House) for the relief of James Kitchen;

Read a second time and ordered to a third reading.

No. 328. A bill (of the House) to divorce Mary Ann Banks from her husband, Henry Banks;

Read a second time and ordered to a third reading.

No. 327. A bill (of the House) to divorce Peter Johnson and Mary Johnson;

Read a second time and ordered to a third reading.

No. 337. A bill (of the House) for the collecting of road tax in the county of Hamilton;

Read a second time and ordered to a third reading.

No. 338. A bill to amend an act entitled "An act to establish a free turnpike road in Jay county," approved January 13, 1845;

Read a second time, and referred to the committee on corporations.

No. 344. A bill to authorize the levy of a road tax in the county of Franklin;

Read a second time and ordered to a third reading.

Mr. Morgan of Decatur, from a select committee, submitted the following report:

MR. PRESIDENT:

The select committee to whom was referred bill of the Senate No. 189, entitled "An act to provide for the election of a prosecuting attorney," have had the same under consideration, and directed me to report the same back, with one amendment, and, with the adoption of said amendment, recommend its passage:

Amend by striking out "licensed attorney in the circuit court."

On motion by Mr. English,

The report and bill were laid upon the table.

Mr. Todd, from a select committee, submitted the following report:

MR. PRESIDENT:

The select committee to whom was referred a petition in relation to granting licenses for the retailing of spirituous liquors in the county of Marion, have directed me to report the following bill, and recommend its passage:

No. 213. A bill giving the right to the voters of Marion county to decide as to authorizing license to retail spirituous liquors in their townships.

Which was read a first time.



On motion by Mr. Todd,

The rules were suspended, and the bill read a second time, and ordered to be engrossed for a third reading.

Mr. Winchell introduced,

No. 214. A bill to authorize Joshua Small and Ephraim Overman to erect a mill dam across the Mississinewa river:

Which was read a first time and ordered to a second reading.

Mr. Morgan of Decatur, from a select committee, submitted the following report:

MR. PRESIDENT:

The select committee to whom was referred bill of the House No. 205, have had the same under consideration, and have directed me to report the same, with two amendments, and, when so amended, recommend its passage.

Amend as follows:

Strike out "Henry T. Garvis and Lee Worling," and insert "James M. Worland and William U. Sleeth."

"SEC. —. It shall be lawful for the boards doing county business in the counties of Shelby and Ripley, to subscribe for any amount of stock that may be necessary to complete said road; which stock, when so subscribed, shall be governed in all respects as stock subscribed by individuals.

Which report was concurred in;

And the bill, as amended, was ordered to a third reading.

Mr. Chapman of Laporte introduced,

No. 15. A joint resolution in relation to the Indiana Historical Society;

Which was read a first and second times, (the rules being suspended), and ordered to be engrossed for a third reading.

Mr. Davis, from a select committee, submitted the following report:

MR. PRESIDENT:

The select committee to whom was referred bill of the House No. 295, entitled "An act to amend an act incorporating the city of New Albany approved February 14, 1839," have had the same under consideration, and have directed me to report the same back, and recommend its passage.

The bill was ordered to a third reading.

Mr. Hardin, from a select committee, made the following report:

MR. PRESIDENT:

The select committee to whom was referred bill of the House No. 103, entitled "An act to modify the thirtieth section, chapter sixteen, of the Revised Statutes," have had the same under consideration, and have instructed me to report the same to the Senate, with two amendments, and, upon their adoption, to recommend its passage.

First amendment:

Amend the first section by striking out the fifth line, and inserting in lieu thereof the words, "in the counties of Johnson, Shelby, Boone, Hendricks, and Parke."

Second amendment:

Strike out the word "twenty" wherever it occurs, and insert the words "twenty-five."

Which report was concurred in;

And the bill, as amended, ordered to a third reading.

Mr. Hamer, from a select committee, submitted the following report:

MR. PRESIDENT:

The select committee to whom was referred bill of the House No. 184, an act to incorporate the White river navigation company, have had the same under consideration, and have directed me to report the same back to the Senate, and recommend its passage.

The bill was ordered to a third reading.

Mr. Verbrake, from the committee on corporations, submitted the following report:

MR. PRESIDENT:

The committee on corporations, to whom was referred bill No. 168, of the Senate, a bill to provide for the construction of a railroad from Martinsville, in Morgan county, to Franklin, in Johnson county, have had the same under consideration, and have directed me to report the bill back to the Senate, without amendment, and recommend its passage.

The bill was ordered to be engrossed for a third reading.

The following communication of his Excellency, the Governor, was received by Mr. Powers:



EXECUTIVE DEPARTMENT,  
January 10, 1846. }

*Gentlemen of the Senate :*

I hereby nominate to you, for appointment, Samuel E. Perkins and Thomas L. Smith, as Judges of the Supreme Court of the State of Indiana, to fill the vacancies occasioned by the expiration of the terms of office, as such Judges, of Charles Dewey and Jeremiah Sullivan, which takes place at the end of the present session of the General Assembly, at which end of the session the respective terms of office of such Judges, of the said Samuel E. Perkins and Thomas L. Smith, are to commence, and the same are to expire at the end of seven years from and after the 29th day of January, 1845, and I respectfully ask your advice and consent to the same.

JAS. WHITCOMB.

On motion by Mr. Chapman of Laporte,  
The Senate proceeded, with closed doors, to the consideration of the foregoing communication.

On motion by Mr. Davis,  
The consideration of the communication was postponed until Tuesday next at 2 o'clock, P. M.

Mr. Todd then introduced,  
No. 215. A bill extending the time of holding courts in the county of Marion, and for other purposes;

Which was read a first and second times, the rules being suspended, and ordered to be engrossed for a third reading.

Mr. Chenowith, from a select committee, made the following report :

MR. PRESIDENT :

The committee to whom was referred House bill No. 285, an act granting the right of way to a company to construct a rail or turn-pike road therein named, in Vermillion county, have had that subject under consideration, and have directed me to report it back, and recommend its passage.

The bill was ordered to a third reading.

Mr. Jackson, from a select committee, submitted the following report :

MR. PRESIDENT :

The select committee to whom was referred bill of the House

No. 296, to locate a State road in the counties of Miami and Madison, have had that subject under consideration, have made one amendment by striking out the word Andersontown and insert Alexandria in lieu thereof, and have directed me to report the same back, and ask the concurrence of the Senate.

Which report was concurred in.

And the bill as amended, was ordered to a third reading.

Mr. Jackson, from a select committee, submitted the following report :

MR. PRESIDENT :

The select committee to whom was referred bill of the House No. 87, to amend the law regulating the practice in the 11th judicial circuit, have had that subject under consideration, and have made one amendment by striking out the words "Madison county" wherever they occur in said bill, and have directed me to report the same back, and ask the concurrence of the Senate.

Which report was concurred in.

And the bill as amended, was ordered to a third reading.

Mr. Parks introduced,

No. 216. A bill for the relief of Elizabeth Preston;

Which was read a first time, and ordered to a second reading.

Mr. Chenowith introduced,

No. 217. A bill appointing commissioners to make partition of the real estate of Stephen S. Collett, late of Vermillion county, deceased;

Which was read a first time.

On motion by Mr. Chenowith,

The rules were suspended, and the bill read a second time, and referred to a select committee of Messrs. Chenowith, Davis and Coffin.

Mr. Read, chairman of the committee on the State Prison, made the following report :

MR. PRESIDENT :

The committee on the State Prison, to whom was referred the proposition of Joseph R. Pratt, have had that subject under their consideration, and inasmuch as the subject is now before the Senate, they have instructed me to report the same back to the Senate for their consideration.

Pending which,

On motion,

The Senate adjourned.



MONDAY MORNING, JANUARY 12, 1845.

The Senate assembled.

After the reading of the journal,

Mr. Orth rose and resigned his seat, as President *pro tempore*, of the Senate, accompanied by a few appropriate remarks.

On motion by Mr. Herriman,

The Senate then proceeded to the election of a President *pro tempore*, of the Senate, in place of Mr. Orth resigned; Messrs. Morgan of Decatur, and Parks, acting as tellers.

And on counting the first balloting it appeared that,

James G. Read received	23 votes.
Joseph W. Chapman received	14 votes.
Scattering,	9 votes.

No gentleman having received a majority of all the votes given, the Senate proceeded to a second balloting.

And on counting the same, it appeared that,

Mr. Read received	23 votes.
Mr. Chapman received	20 votes.
Scattering,	5 votes.

No gentleman having received a majority of all the votes given, the Senate proceeded to a third balloting.

And on counting the same, it appeared that,

Mr. Read received	25 votes.
Mr. Chapman received	19 votes.
Scattering,	4 votes.

Mr. Read having received a majority of all the votes given, was declared duly elected President *pro tempore* of the Senate, and having been conducted to the chair by Messrs. Akin and Orth, he returned his thanks for the honor conferred.

Mr. Allison presented the petition of sundry citizens of Greene, Owen, and Clay counties, in relation to a State road from Point Commerce to the feeder dam, on Eel river;

Which was referred to a select committee of Messrs. Allison, Hamer, and Chapman of Daviess.

Mr. Rockhill presented the petition of Marshall B. Burk and others, praying a change in the license law for the benefit of cripples; which,

On motion by Mr. Rockhill,

Was referred to the committee on finance.

Mr. Cuppy presented the petition of sundry citizens of Elkhart county, in relation to the Buffalo and Mississippi railroad;

Which was referred to a select committee of Messrs. Cuppy, Rockhill, and Howell.

Mr. Jackson presented the petition of sundry citizens of Delaware county, in relation to an addition of territory to said county.

On motion by Mr. Jackson,

The petition was referred to the committee on the judiciary.

Mr. Akin, chairman of the committee on finance, submitted the following report:

MR. PRESIDENT:

The committee on finance to whom was referred the petitions of fifty-five citizens of Jefferson county, asking a change of the laws in relation to vending ardent spirits by the quart, have considered the same, and have instructed me to report that they deem it inexpedient to legislate on that subject, and ask to be discharged from the further consideration thereof.

Which report was concurred in.

Mr. Pomeroy, from the committee on finance, submitted the following report:

MR. PRESIDENT:

The committee on finance to whom was referred bill No. 193, (of the Senate) a bill entitled "A bill for the relief of V. & J. King," have had the same under consideration, and instructed me to report the same back and very respectfully recommend its passage.

Mr. Edmonson moved to indefinitely postpone the bill.

The ayes and noes being called for by Messrs. Edmonson and Chapman of Laporte,

*Those who voted in the affirmative are,*

Messrs. Barbour, Berry of Franklin, Berry of Monroe, Cuppy, Edmonson, Hamrick, Herriman, Howell, Jackson, Leviston, Logan, Major, Morgan of Decatur, Murphey, Read, Rockhill, and Wood—18.

*Those who voted in the negative are,*

Messrs. Akin, Allison, Bowers, Bradbury, Buell, Chapman of Laporte, Chenowith, Coffin, Davis, Ellis, English, Goodenow, Hamer,



Henry, Holloway, Jones, Montgomery, Moore, Morgan of Rush, Orth, Pomeroy, Reyburn, Todd, Verbrike, Winchell, and Zenor—26.

So the bill was not indefinitely postponed.

The question then recurring upon the engrossment of the bill,

The ayes and noes were called for by Messrs. Herriman and Edmonson; and,

*Those who voted in the affirmative are,*

Messrs. Akin, Allison, Bowers, Bradbury, Buell, Chapman of Laporte, Chenowith, Coffin, Davis, Ellis, English, Goodenow, Hamer, Henry, Holloway, Jones, Montgomery, Moore, Morgan of Rush, Orth, Pomeroy, Reyburn, Todd, Verbrike, and Winchell—25.

*Those who voted in the negative are,*

Messrs. Barbour, Berry of Franklin, Berry of Monroe, Cuppy, Edmonson, Hamrick, Handy, Herriman, Howell, Jackson, Leviston, Logan, Major, Morgan of Decatur, Murphey, Read, Rockhill, Wood, and Zenor—19.

So the bill was ordered to be engrossed.

The following communication from his Excellency, the Governor, was received by Mr. Powers:

MR. PRESIDENT:

I am directed by his Excellency, the Governor, to inform the Senate that on the 10th day of January, 1846, he approved and signed:

No. 95. An act for the relief of Martha Ann McCune, of Floyd county;

No. 51. An act to provide for the permanent location of the seat of justice of Noble county;

No. 12. An act to remove the disability of Francis La Fontain, Catharine Richardville, La Blond Richardville, Susan Richardville, and the widow and children of Francis Godfrey, late of Miami county, deceased, to sell and convey real estate, and to legalize any sales that may have been made by them, or either or any of them, previous to the passage of this act.

All of which originated in the Senate.

Mr. Akin, chairman of the committee on finance, submitted the following report:

MR. PRESIDENT:

The committee on finance to whom was referred bill (of the Senate) No. 206, entitled "A bill in relation to the repairing of the

college buildings," have had the same under consideration, and after much investigation, and mature reflection, have instructed me to report the same back to the Senate, and recommend its passage.

Mr. Handy dissenting.

Mr. Allison proposed to amend the bill by providing that said money be refunded by the University fund, whenever it is in a condition so to do;

Which amendment was adopted.

The question then recurring on the engrossment of the bill,

The ayes and noes were called for by Messrs. Edmonson and Handy; and,

*Those who voted in the affirmative are,*

Messrs. Akin, Allison, Barbour, Berry of Monroe, Buell, Chapman of Daviess, Chapman of Laporte, Coffin, Davis, Ellis, Edmonson, Hamer, Herriman, Holloway, Howell, Jackson, Jones, Major, Morgan of Decatur, Murphey, Orth, Parks, Pomeroy, Todd, and Verbrike—25.

*Those who voted in the negative are,*

Messrs. Berry of Franklin, Bowers, Bradbury, Chenowith, Cuppy, English, Goodenow, Hamrick, Handy, Hardin, Henry, Leviston, Logan, Miller, Montgomery, Moore, Morgan of Rush, Read, Reyburn, Rockhill, Winchell, Wood, and Zenor—24.

So the bill was ordered to be engrossed.

A message from the House of Representatives.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate, that the House have passed the following engrossed bill and joint resolutions thereof:

No. 307. An act to amend the 4th article, chapter 7th, Revised Statutes of 1843, and for other purposes;

No. 345. An act to authorize the commissioners of Carroll county, to make a certain appropriation therein named;

No. 350. An act for the relief of Thomas Daniels and William Daniels, executors of James Daniels, deceased;

No. 351. An act to authorize Samuel J. Hoge to construct a mill dam across the Tippecanoe river, in Fulton county;

No. 352. A joint resolution in relation to the Buffalo and Mississippi railroad;

No. 353. An act amendatory of an act entitled an act incorpo-



rating the town of South Bend, St. Joseph county, Indiana, approved January 15, 1844, and for other purposes;

No. 354. An act supplemental to an act entitled, "An act to incorporate the South Bend Manufacturing Company," approved December 28, 1842;

No. 355. An act to vacate a part of the town of Independence, in St. Joseph county;

No. 356. An act to legalize the judicial acts of John F. Merrill, late a justice of the peace in Huntington county;

No. 357. An act to amend section twenty-seven, chapter seven, Revised Statutes of 1843, in relation to allowances to sheriffs by county boards;

No. 358. An act relative to the fees of auditor of Monroe county;

No. 363. An act declaring a road therein named a State road;

No. 365. An act amendatory of the several acts relative to the New Albany and Vincennes road;

No. 366. An act to locate a State road in the counties of Bartholomew, Decatur, and Jennings;

No. 370. An act granting additional power to the president and trustees of the town of Dublin;

No. 371. An act for the relief of E. J. Peck;

No. 372. An act to repeal certain acts therein named;

No. 373. An act for the relief of James S. Mays, late school commissioner of Knox county;

No. 375. An act to authorize and permit John Carter, of Brown county, to relinquish a part of certain saline lands in Brown county;

No. 376. A joint resolution transferring a certain book from the State Library to the library of the State University;

No. 377. A joint resolution for the reduction of the price of public lands to actual settlers;

No. 378. A joint resolution extending the provisions of a certain act therein named;

No. 384. An act authorizing the commissioners of Henry county to reduce the width of county roads;

No. 387. An act legalizing the election and official acts of William H. Parmelee, as probate judge of Wells county;

No. 389. An act to provide for a free turnpike road in Steuben county;

No. 390. An act for the relief of Henry D. Smith;

No. 392. An act for the relief of Indiana Young;

No. 393. An act for the divorce of Robert Hemphill, of Monroe county;

No. 400. An act to authorize the auditor of Madison county to sell the sixteenth section;

No. 403. An act to vacate a part of a State road in Bartholomew county;

No. 407. An act to locate a State road in Noble county;

No. 408. An act to incorporate the town of Hagerstown;

No. 409. An act declaratory of, and to amend an act entitled, "An act authorizing Joseph Quinn and James Norvell to erect toll bridges," approved January 13, 1845;

No. 410. An act to authorize a re-survey of section sixteen, in township three south, of range five east, in Harrison county;

No. 412. An act for the relief of John Patterson, of Boone county;

No. 415. An act to secure to Ohio county a share of the common school and surplus revenue funds, and for other purposes;

No. 420. An act regulating the times of holding the probate courts in Greene county;

No. 423. An act for the relief of Henry Mancell and the widow and children of John Reed, deceased;

No. 428. An act for the relief of Mary Ann Bruner;

No. 430. An act to legalize the proceedings of the board of trustees of the town of Rising Sun, in Ohio county;

No. 431. An act to legalize the acts of Daniel B. Redman;

No. 437. A joint resolution providing for the annual publication of General Washington's farewell address with the Governor's message;

No. 439. An act relative to the change of State road in Boone county;

No. 440. An act to amend the road law in Tipton county;

In which the concurrence of the Senate is requested.

The House of Representatives have also passed the following engrossed bills of the Senate, without amendment:

No. 12. A joint resolution for the continuation and completion of the Cumberland road;

No. 29. An act to incorporate the Richmond and Miami Railroad Company;

No. 76. An act to amend an act relative to the school fund in Lagrange county;

No. 105. An act to locate a State road in the counties of Fountain and Warren;

No. 106. An act abolishing the road tax in the county of Daviess;

No. 129. An act to vacate sixteen lots in the town of Harrisonville;

No. 136. An act to amend an act to incorporate the Indiana Church, approved December 7, 1810, and an act amendatory thereto, approved January 22, 1818;

No. 137. An act to revive and amend a certain act therein named;

No. 184. An act to provide for the distribution of certain public documents.

The House have also passed the following engrossed bill of the Senate, with one amendment:



No. 139. An act to provide for the erection of a monument on the Tippecanoe battle-ground;  
In which amendment the concurrence of the Senate is respectfully requested.

The House of Representatives have concurred in the amendments of the Senate to bills of the House numbered 182, 168, 271, and 278.

Mr. Akin, chairman of the committee on finance, made the following report:

MR. PRESIDENT:

The committee on finance, to which was referred No. 12, a joint resolution in relation to the purchase of a fire engine and hose, and for the erection of an engine house for the town of Indianapolis, have had the same under consideration, and have instructed me to report the same back to the Senate, and ask that it be indefinitely postponed, and ask to be discharged from the further consideration thereof.

Which report was concurred in.

Mr. Ellis, from the committee on the judiciary, submitted the following report:

MR. PRESIDENT:

The committee on the judiciary, to which was referred the petition of Walter Hays, having had the same under consideration, have instructed me to report the accompanying bill and recommend its passage:

No. 217. A bill for the relief of the legal representatives of George W. Bladale, deceased;

Which was read a first time.

On motion by Mr. Ellis,

The rules were suspended, and the bill read a second and third times and passed.

Mr. Davis, from the committee on the judiciary, submitted the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred the petition of John Zulauf on behalf of the heirs of John Fischlie, deceased, have had the same under consideration, and have instructed me to report the following bill and respectfully recommend its passage:

No. 218. A bill for the relief of James Kappeler and others;  
Which was read a first time.

On motion by Mr. Davis,

The rules were suspended, and the bill read a second time.

On motion by Mr. English,

The bill was then laid upon the table.

Mr. Ellis, from the committee on the judiciary, submitted the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred Senate bill No. 163, leasing the Indiana State Prison, and for other purposes, with the following instructions, viz: To strike out the name of Simon Bottorff wherever it occurs, and amend the bill so as to provide that the person taking the prison shall be elected by joint ballot of General Assembly, having had the same under consideration, have instructed me to report the same back to the Senate with said amendments so instructed to be made, with the following other amendments, with a recommendation that the bill be passed:

Amendments:

First section. Strike out "term" before "of service," and insert in lieu thereof, "time." Strike out the name of "Simon Bottorff," when the same first occurs, and insert, "such person as may be elected on joint ballot by the General Assembly," in lieu thereof. Strike out, "and assigns." Insert before "executors" "heirs," and before "administrators" "and." Strike out "Simon Bottorff" where it next occurs, and insert "said lessee."

Second section. Strike out "Bottorff" wherever the same may occur, and insert "lessee." Strike out "or assigns." Insert "or" before "administrators." Strike out "six months" and insert "three months." Add at the end of the section, "as also to honestly and faithfully comply with all of the requisitions in this act contained."

Third section. Strike out "Bottorff" wherever the same may occur, and insert "lessee." Strike out "six months" and insert "thirty days" in lieu thereof.

Fifth section. Strike out "warden and," and insert "or" before "the Governor," and insert after "the Governor" "and warden." Also, strike out "Bottorff" and insert "lessee." Strike out "and assigns" and insert before "administrators" "and."

Sixth section. Add to the end of this section—"Provided, It shall not be in the power of said warden to reduce the period of labor of said convicts below — hours per day."

Seventh section. Strike out "Bottorff" and insert "lessee." Strike out "or assigns," and insert "or" before "associates."

Section eighth. Strike out "Bottorff" and insert "lessee." Insert



after "prison," "whose duty it shall be to give religious instruction to said convicts within the walls of said prison at least once every week, and whose salary shall be not less than ——— dollars per annum, to be paid by said lessee." Strike out all after "physician's bills."

Section ninth. Strike out "the contractor herein named" and insert "said lessee."

Section thirteenth. Add to the close of this section—"And it shall be the duty of said warden annually, at the commencement of the meeting of the General Assembly, to report to each branch of the same a full statement of the condition of the said prison and the convicts, as, also, the transactions of the year next preceding, so far as the same may be deemed important as affecting the interests of the State or the sanatory or moral condition of the convicts, with such recommendations or suggestions as said warden may think appropriate."

Mr. Howell moved to lay the bill and amendments upon the table;

Which motion did not prevail.

The question then recurring upon concurring in the report of the committee,

It was decided in the affirmative;

And the amendments were adopted.

The bill, as amended, was then ordered to be engrossed for a third reading.

Mr. Orth, from the committee on the judiciary, submitted the following report:

MR. PRESIDENT:

The committee on the judiciary have instructed me to report the following bill and recommend its passage:

No. 219. A bill relative to the June term of the Tippecanoe circuit court;

Which was read a first time.

On motion by Mr. Orth,

The rules were suspended, and the bill read a second and third times and passed.

Mr. Henry, from the committee on the judiciary, submitted the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred bill of the House No. 303, "A bill to require plaintiffs in Washington county to give security for costs in certain cases," have had the same under

consideration, and directed me to report the same back to the Senate and recommend its indefinite postponement.

Which report was concurred in.

Mr. Logan, from the committee on the judiciary, submitted the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was refereed bill of the House No. 272, entitled "An act to extend an act to provide for the transfer of the surplus revenue fund," &c., approved February 11th, 1843, having, according to order, had the same under their consideration, have directed me to report the same back to the Senate, and recommend its passage.

The bill was then ordered to a third reading.

Mr. Winchell, from the committee on the judiciary, submitted the following report:

MR. PRESIDENT:

The judiciary committee, to whom was referred the petition of citizens of the counties of Jay, Randolph and Delaware, praying a repeal of a part of an act entitled "An act declaring the Mississinewa river a public highway, have had the subject under consideration, and instructed me to report a bill in accordance with the prayer of said petitioners, and recommend its passage.

No. 220. A bill repealing a part of an act entitled "An act declaring the Mississinewa river a public highway," approved January 13, 1844;

Which was read a first time.

On motion by Mr. Reyburn,

The rules were suspended, and the bill read a second and third times, and passed.

Mr. Winchell, from the committee on the judiciary, submitted the following report:

MR. PRESIDENT:

The judiciary committee, to whom was referred House bill No. 255, entitled "An act in relation to evidence in cases where records have been destroyed by fire," have had the same under consideration, and have instructed me to report said bill back to the Senate, and ask its indefinite postponement.



Which report was concurred in.

Mr. Davis, from the committee on the judiciary, submitted the following report :

MR. PRESIDENT :

The committee on the judiciary, to whom was referred bill of the House No. 245, in relation to tax titles, have had the same under consideration, and have instructed me to report the same back to the Senate, and recommend its indefinite postponement.

Which report was concurred in, and the bill indefinitely postponed.

Mr. Logan, from the committee on the judiciary, submitted the following report :

MR. PRESIDENT :

The committee on the judiciary, to whom was referred bill of the House No. 237, entitled "An act to amend the 65th section of the 54th chapter of the Revised Statutes of 1843," have, according to order, had the same under their consideration, and have directed me to report the same back to the Senate, and recommend its passage.

The bill was then ordered to a third reading.

Mr. Henry, from the committee on the judiciary, made the following report :

MR. PRESIDENT :

The committee on the judiciary, to whom was referred bill of the House No. 197, an act for the relief of the heirs of Michael Ross, deceased, have had the same under consideration, and directed me to report said bill back for the action of the Senate.

The bill was ordered to a third reading.

Mr. Davis, from the committee on the judiciary, submitted the following report :

MR. PRESIDENT :

The judiciary committee, to whom was referred bill of the House No. 79, entitled "An act to regulate the fees of sheriffs in sales of mortgaged premises," have had the same under consideration, and have instructed me to report said bill back, and recommend its indefinite postponement.

Which report was concurred in.

Mr. Davis, from the committee on the judiciary, submitted the following report :

MR. PRESIDENT :

The committee on the judiciary, to whom was referred bill of the House No. 164, for the relief of purchasers of school lands in the county of Randolph, have had the same under consideration, and have instructed me to report said bill back, and recommend its indefinite postponement.

Which report was concurred in.

Mr. Orth, from the committee on the judiciary, submitted the following report :

MR. PRESIDENT :

The committee on the judiciary have instructed me to report the following bill, and respectfully recommend its passage :

No. 221. A bill to legalize the acts of the Probate Judge of Tippecanoe county ;

Which was read a first time.

On motion by Mr. Orth,

The rules were suspended, and the bill read a second time, and ordered to be engrossed for a third reading.

Mr. Handy, from the committee on education, submitted the following report :

MR. PRESIDENT :

The committee on education, to whom was referred bill of the House No. 252, entitled "A bill for the relief of certain purchasers of school lands in Vigo county," have had the same under consideration, and have directed me to report it back, and recommend its passage :

The bill was ordered to a third reading.

Mr. Goodenow, chairman of the committee on roads, submitted the following report :

MR. PRESIDENT :

The committee on roads to whom was referred the petition of sundry citizens of Shelby county, praying the location of a State



road in said county, have had the same under consideration, and have directed me to report the following bill and recommend its passage:

No. 222. A bill to locate a State road in Shelby county;  
Which was read a first time.

On motion by Mr. Handy,

The rules were suspended, and the bill read a second and third times, and passed.

Mr. Reyburn, from the committee on canals and internal improvements, made the following report:

MR. PRESIDENT:

The committee on canals and internal improvements to whom was referred bill (of the House) No. 156, an act for the relief of purchasers of canal lands, lying in the county of Cass, have had the same, according to order, under consideration, and have directed me to report the same back without amendment, and recommend its passage.

On motion by Mr. Reyburn,

The rules were suspended, and the bill read a third time and passed.

Mr. Reyburn, from the committee on canals and internal improvements, made the following report:

MR. PRESIDENT:

The committee on canals and internal improvements to whom was referred bill (of the House) No. 52, an act for the relief of purchasers of canal lands, have had the same, according to order, under consideration, and have directed me to report the same back without amendment, and recommend its passage.

On motion by Mr. Reyburn,

The rules were suspended, and the bill read a third time and passed.

Mr. Miller, chairman of the committee on public buildings, submitted the following report:

MR. PRESIDENT:

The committee on public buildings to whom was referred a resolution of the Senate to enquire into the expediency of authorizing, by law, the State Librarian to cause to be insured, at some safe insurance office, the State House, and other property belonging to

the State, at Indianapolis; also, to enquire at what expense the same can be insured, have made the necessary enquiry, and the majority of said committee has instructed me to report the same back to the Senate, and say it is inexpedient to legislate on that matter.

Which report was concurred in.

Mr. Miller, chairman of the committee on public buildings, submitted the following report:

MR. PRESIDENT:

The committee on public buildings to whom was referred a joint resolution (of the Senate) No. 14, directing an insurance on the State House and other State property, have had the same under consideration, and a majority of said committee have instructed me to report the same back to the Senate, and recommend its indefinite postponement.

Which report was concurred in.

On motion,

The Senate adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

The Senate met;

The rules being suspended,

Mr. English introduced,

No. 223. A bill transferring the duties of the agent of the surplus revenue fund, in Scott county, to the school commissioner of said county;

Which was read a first time,

On motion by Mr. English,

The rules were suspended, and the bill read a second and third times, and passed.

Mr. Allison, from the committee on enrolled bills, made the following report:

MR. PRESIDENT:

The committee on enrolled bills have compared the following enrolled, with engrossed bill of the Senate, and find the same correctly enrolled, to-wit:



No. 118. An act to incorporate the Wabash Navigation Company.

SENATE BILLS ON THIRD READING.

No. 168. A bill to provide for the construction of a railroad from Martinsville, in Morgan county, to Franklin, in Johnson county;

Read a third time and passed.

No. 164. A bill for the relief of James P. Creager, of Knox county;

Read a third time and passed.

No. 197. A bill to amend an act regulating the fees and salaries of the several officers and persons therein named, approved February 7, 1831;

Read a third time and passed.

No. 195. A bill in relation to certificates and patents of Michigan road lands;

Read a third time and passed.

No. 15. A joint resolution in relation to the Indiana Historical Society;

Read a third time and passed.

No. 196. A bill to incorporate the Indiana State Medical Society, and for other purposes;

Read a third time, and,

On motion by Mr. Todd,

Laid upon the table.

No. 215. A bill extending the time of holding courts in the county of Marion, and for other purposes;

Read a third time and passed.

No. 213. A bill giving the right to the voters of Marion county, to decide as to authorizing license to retail spirituous liquors in their townships;

Read a third time and passed.

HOUSE BILLS ON THIRD READING.

No. 91. An act relative to the punishment of treason and murder in the first degree;

Read a third time.

Mr. Hamrick moved to indefinitely postpone the bill.

Pending which,

Mr. Holloway moved that there be a call of the Senate.

The ayes and noes being called for by Messrs. Herriman and Holloway,

*Those who voted in the affirmative are,*

Messrs. Allison, Berry of Franklin, Buell, Chapman of Laporte, Chenowith, Coffin, Cuppy, Ellis, Goodenow, Henry, Holloway, Jones, Leviston, Major, Montgomery, Moore, Morgan of Rush, Murphey, Orth, Pomeroy, Reyburn, Verbriek, Winchell, Wood, and Zenor—25.

*Those who voted in the negative are,*

Messrs. Akin, Barbour, Berry of Monroe, Bowers, Chapman of Daviess, Edmonson, English, Hamrick, Handy, Hardin, Herriman, Howell, Jackson, Logan, Miller, Morgan of Daviess, Parks, Read, Rockhill, and Todd—20.

So the Senate decided to have a call.

On motion by Mr. Morgan of Decatur,

The further call of the Senate was suspended.

The question then recurred upon the indefinite postponement of the bill.

The ayes and noes being demanded by Messrs. Hamrick and Edmonson,

*Those who voted in the affirmative are,*

Messrs. Barbour, Berry of Monroe, Edmonson, Goodenow, Hamrick, Miller, Parks, Reyburn, and Todd—9.

*Those who voted in the negative are,*

Messrs. Akin, Allison, Berry of Franklin, Bowers, Buell, Chapman of Daviess, Chapman of Laporte, Chenowith, Coffin, Cuppy, Davis, Ellis, English, Hamer, Handy, Hardin, Henry, Herriman, Holloway, Howell, Jackson, Jones, Leviston, Logan, Major, Montgomery, Moore, Morgan of Decatur, Morgan of Rush, Murphey, Orth, Pomeroy, Read, Rockhill, Verbriek, Winchell, Wood, and Zenor—38.

So the bill was not indefinitely postponed.

The question then recurring upon the passage of the bill,

The ayes and noes were demanded by Messrs. Akin and Buell;

*Those who voted in the affirmative are,*

Messrs. Akin, Bowers, Buell, Chapman of Daviess, Chapman of Laporte, Chenowith, Coffin, Cuppy, Davis, Ellis, English, Hamer, Handy, Hardin, Henry, Herriman, Holloway, Jackson, Jones, Leviston, Logan, Major, Montgomery, Moore, Morgan of Rush, Mur-



phay, Orth, Pomeroy, Read, Rockhill, Verbrike, Winchell, Wood, and Zenor—35.

*Those who voted in the negative are,*

Messrs. Allison, Barbour, Berry of Franklin, Berry of Monroe, Edmonson, Goodenow, Hamrick, Howell, Miller, Morgan of Decatur, Parks, Reyburn, and Todd—14.

So the bill was passed.

No. 315. A bill to define the powers of judges when acting on writs of habeas corpus and applications for writs of injunction ;

Read a third time and passed.

No. 330. A bill to amend the several acts providing for the preservation of the State House, State Library and legislative papers ;

Read a third time.

The ayes and noes being called for by two Senators,

*Those who voted in the affirmative are,*

Messrs. Allison, Barbour, Bowers, Buell, Chapman of Daviess, Chapman of Laporte, Chenowith, Coffin, Davis, Ellis, Goodenow, Holloway, Jones, Montgomery, Moore, Morgan of Decatur, Morgan of Rush, Murphey, Orth, Pomeroy, Reyburn, Todd, Verbrike, Winchell, and Wood—25.

*Those who voted in the negative are,*

Messrs. Akin, Berry of Franklin, Berry of Monroe, Cuppy, Edmonson, English, Hamer, Hamrick, Handy, Hardin, Henry, Herriman, Howell, Jackson, Leviston, Logan, Major, Miller, Parks, Read, Rockhill, and Zenor—22.

So the bill passed.

Mr. Herriman asked and obtained leave to withdraw from the files certain petitions in relation to changing the county seat of Noble county.

No. 86. A bill to authorize the trustees of the Vincennes University to bring suit against the State, and for other purposes ;

Read a third time.

Mr. Chapman of Laporte moved to amend the bill as follows:

"SEC. 9. Nothing in this act shall be so construed as to prevent the State of Indiana from contesting the present corporate existence of the trustees of said University."

Which amendment was unanimously adopted.

On the passage of the bill,

The ayes and noes being called for by Messrs. Ellis and Buell,

*Those who voted in the affirmative are,*

Messrs. Barbour, Berry of Franklin, Bowers, Chapman of Daviess, Chapman of Laporte, Edmonson, Ellis, Goodenow, Handy, Henry, Holloway, Howell, Jackson, Jones, Lane, Leviston, Miller, Morgan of Decatur, Murphey, Orth, Pomeroy, Winchell, and Zenor—23.

*Those who voted in the negative are,*

Messrs. Akin, Berry of Monroe, Buell, Coffin, Cuppy, English, Hamer, Hamrick, Hardin, Herriman, Logan, Major, Montgomery, Moore, Morgan of Rush, Parks, Read, Rockhill, Verbrike, and Wood—20.

So the bill passed.

Mr. Berry of Monroe moved to take from the table,

No. 66. A bill (of the Senate) to extend further time to the borrowers of the Sinking Fund ;

Which motion prevailed.

The question recurred upon concurring in the following engrossed amendments of the House of Representatives:

Amend by inserting after the words "sinking fund," "surplus revenue, saline, college, and school funds." Also, amend the title by inserting in the title after the words "sinking fund," "and other trust funds."

Mr. Todd then proposed to concur in the amendments with the following amendment:

"*Provided, however,* That the loaning agents shall have the power in all cases to require every additional security on the loans already made, and which are required to be extended, which may be necessary to secure said funds. *Provided, further,* That in no case shall the security be lessened."

On motion by Mr. Todd,

The bill and pending amendments were laid upon the table.

Mr. Ellis, from the committee on enrolled bills, submitted the following report:

MR. PRESIDENT :

The following act has been presented to his Excellency, the Governor, for his approval and signature, by the joint committee on enrolled bills, on this 12th day of January, A. D., 1846:

No. 118. An act incorporating the Wabash Navigation Company.

No. 344. A bill to authorize the levy of a road tax in the county of Franklin;



Read a third time and passed.

No. 337. A bill for the collecting of road tax in the county of Hamilton;

Read a third time and passed.

No. 205. A bill to amend an act entitled, An act to incorporate the Michigan Road Company south of Indianapolis;

Read a third time and passed.

No. 285. A bill granting the right of way to a company to construct a rail or turnpike road therein named in Vermillion county;

Read a third time and passed.

No. 251. A bill for the relief of Alexander J. Line of Wayne county;

Read a third time and passed.

No. 295. A bill to amend an act incorporating the city of New Albany, approved February 14, 1839;

Read a third time and passed.

No. 327. A bill to divorce Peter Johnson and Mary Johnson, of Hancock county;

On the passage of the bill,

The ayes and noes being called for by Messrs. Morgan of Decatur, and Murphey,

*Those who voted in the affirmative are,*

Messrs. Berry of Franklin, Berry of Monroe, Chapman of Daviess, Chapman of Laporte, Coffin, Cuppy, Davis, English, Handy, Hardin, Henry, Herriman, Howell, Jackson, Lane, Major, Miller, Parks, Read, Rockhill, Todd, Winchell, and Wood—24.

*Those who voted in the negative are,*

Messrs. Akin, Allison, Barbour, Buell, Chenowith, Ellis, Goodenow, Hamer, Hamrick, Holloway, Jones, Leviston, Montgomery, Moore, Morgan of Decatur, Morgan of Rush, Murphey, Orth, Pomeroy, Reyburn, Verbriek and Zenor—22.

So the bill was passed.

No. 328. A bill to divorce Mary Ann Banks from her husband, Henry Banks;

Read a third time.

On the passage of the bill,

The ayes and noes being demanded by two Senators,

*Those who voted in the affirmative are,*

Messrs. Akin, Berry of Franklin, Berry of Monroe, Chapman of Daviess, Chapman of Laporte, Coffin, Cuppy, Davis, English, Handy, Hardin, Henry, Herriman, Howell, Jackson, Lane, Leviston,

Major, Miller, Parks, Pomeroy, Reed, Rockhill, Todd, Winchell, and Wood—26.

*Those who voted in the negative are,*

Messrs. Allison, Barbour, Buell, Chenowith, Ellis, Goodenow, Hamrick, Holloway, Jones, Moore, Morgan of Decatur, Morgan of Rush, Murphey, Orth, Reyburn, Verbriek, and Zenor—17.

So the bill was passed.

No. 335. A bill for the relief of James Kitchen;

Read a third time.

On the passage of the bill,

The ayes and noes being demanded by two Senators,

*Those who voted in the affirmative are,*

Messrs. Akin, Berry of Franklin, Berry of Monroe, Chapman of Daviess, Chapman of Laporte, Coffin, Cuppy, Davis, Edmonson, English, Handy, Hardin, Henry, Herriman, Howell, Jackson, Lane, Leviston, Major, Miller, Montgomery, Parks, Read, Todd, Winchell, and Wood—26.

*Those who voted in the negative are,*

Messrs. Allison, Barbour, Buell, Chenowith, Ellis, Goodenow, Hamer, Hamrick, Jones, Logan, Moore, Morgan of Decatur, Morgan of Rush, Murphey, Orth, Pomeroy, Reyburn, Verbriek, and Zenor—20.

So the bill was passed.

Mr. Todd moved to take from the table, (just laid there) Senate bill No. 66;

The ayes and noes being demanded by Messrs. Jones, and Chapman of Laporte,

*Those who voted in the affirmative are,*

Messrs. Allison, Barbour, Berry of Franklin, Berry of Monroe, Bowers, Buell, Chapman of Daviess, Chenowith, Coffin, Cuppy, Ellis, English, Goodenow, Hamer, Handy, Hardin, Henry, Holloway, Howell, Jackson, Jones, Lane, Major, Miller, Montgomery, Moore, Morgan of Decatur, Morgan of Rush, Orth, Parks, Read, Reyburn, Rockhill, Todd, Verbriek, Winchell, Wood and Zenor—38.

*Those who voted in the negative are,*

Messrs. Akin, Chapman of Laporte, Davis, Edmonson, Hamrick, Herriman, Leviston, Logan, Murphey, and Pomeroy—10.



So the bill was taken from the table.

Mr. Todd then withdrew his amendment, pending when the bill and amendments were laid upon the table.

Mr. Buell then moved to concur in the amendment of the House, with the following amendment:

*Provided further*, That in all cases where the present security is not deemed to be sufficient, the mortgagor shall have the benefit of this act, by giving additional security, satisfactory to any such agent or agents, nor shall the present security in any case, be lessened.

The ayes and noes being called for by Messrs. Buell, and Chapman of Laporte,

*Those who voted in the affirmative are,*

Messrs. Allison, Berry of Franklin, Berry of Monroe, Bowers, Buell, Chapman of Daviess, Chenowith, Coffin, Ellis, English, Hamer, Hamrick, Handy, Holloway, Howell, Jackson, Jones, Lane, Leviston, Major, Miller, Montgomery, Morgan of Decatur, Parks, Read, Todd, Verbriek, and Zenor—28.

*Those who voted in the negative are,*

Messrs. Akin, Barbour, Chapman of Laporte, Cuppy, Davis, Edmonson, Goodenow, Hardin, Henry, Herriman, Logan, Moore, Morgan of Rush, Murphey, Orth, Pomeroy, Reyburn, Rockhill, Winchell, and Wood—20.

So the amendment was adopted, and the amendment of the House as amended, was concurred in.

No. 374. An act to vacate a public highway in the county of Greene;

Read a third time and passed.

No. 322. An act to authorize Aaron R. Sayer and Daniel Sayer to build a mill dam across the Mississinewa river, in Wabash county;

Read a third time and passed.

No. 321. An act to establish a State road in the counties of Dekalb and Allen;

Read a third time and passed.

No. 292. An act for the relief of Jacob Jones, sen.;

Read a third time and passed.

No. 103. A bill to modify the thirtieth section, chapter sixteen, of the Revised Statutes;

Read a third time.

Mr. Morgan of Rush moved to lay the bill upon the table.

The ayes and noes being demanded by Messrs. Hardin and Handy,

*Those who voted in the affirmative are,*

Messrs. Akin, Barbour, Chapman of Daviess, Chapman of Laporte, Cuppy, Davis, Ellis, Hamer, Holloway, Howell, Jones, Lane, Logan, Montgomery, Morgan of Rush, Orth, Parks, Pomeroy, Reyburn, and Rockhill—20.

*Those who voted in the negative are,*

Messrs. Allison, Berry of Franklin, Berry of Monroe, Bowers, Buell, Chenowith, Coffin, Edmonson, English, Goodenow, Hamrick, Handy, Hardin, Henry, Herriman, Jackson, Leviston, Major, Miller, Moore, Morgan of Decatur, Murphey, Read, Todd, Verbriek, Winchell, Wood, and Zenor—28.

So the bill was not laid upon the table.

The bill was then passed.

No. 87. An act to amend the law regulating the practice in the eleventh judicial circuit;

Read a third time and passed.

No. 248. A bill prescribing the mode of advertising sales of lands returned delinquent for non-payment of taxes;

On the passage of the bill,

The ayes and noes being demanded by two Senators,

*Those who voted in the affirmative are,*

Messrs. Barbour, Berry of Franklin, Berry of Monroe, Bowers, Buell, Chapman of Daviess, Chenowith, Coffin, Cuppy, Davis, Ellis, Goodenow, Hamer, Holloway, Jones, Montgomery, Moore, Morgan of Decatur, Morgan of Rush, Murphey, Orth, Pomeroy, Reyburn, Todd, Verbriek, and Winchell—26.

*Those who voted in the negative are,*

Messrs. Akin, Chapman of Laporte, Edmonson, English, Hamrick, Handy, Hardin, Henry, Herriman, Howell, Jackson, Lane, Leviston, Logan, Major, Miller, Parks, Read, Rockhill, Wood, and Zenor—21.

So the bill was passed.

Mr. Herriman moved to take from the table,

No. 14. A bill (of the Senate) to authorize the qualified voters of this State to vote for or against a the calling of a convention for a revision of the constitution of this State;

Which motion prevailed.

The question then recurred upon the engrossment of the bill.

The ayes and noes being called for by Messrs. Herriman and Berry of Franklin,



*Those who voted in the affirmative are,*

Messrs. Akin, Barbour, Berry of Franklin, Berry of Monroe, Buell, Edmonson, English, Hamrick, Handy, Hardin, Henry, Herriman, Jones, Leviston, Logan, Major, Miller, Montgomery, Morgan of Rush, Orth, Pomeroy, Read, Wood, and Zenor—24.

*Those who voted in the negative are,*

Messrs. Allison, Bowers, Chapman of Laporte, Chenowith, Coffin, Cuppy, Davis, Ellis, Goodenow, Hamer, Holloway, Howell, Jackson, Lane, Moore, Morgan of Decatur, Murphey, Parks, Reyburn, Todd, Verbriek, and Winchell—22.

So the bill was ordered to be engrossed for a third reading.

No. 4. A bill for the relief of David Stoner and others;  
Read a third time and passed.

No. 312. An act declaratory of an act therein referred to;  
Read a third time and laid upon the table.

No. 382. An act appointing a board of superintendents to superintend the changing or deepening the channel, or leveeing the banks of Jordan creek, in Vigo county;

Read a third time and passed.

No. 55. An act relative to the issuing of executions;  
Read a third time and passed.

No. 231. An act for the relief of Benjamin Powell and the heirs of Harrison Barnett, deceased;  
Read a third time and passed.

No. 240. A bill providing for the erection of a road bridge on the Wabash and Erie canal;

Read a third time and passed.

No. 277. A bill to prevent county auditors from practising as attorneys and counsellors at law in the county commissioners' court;

Read a third time and passed.

No. 296. A bill to locate a State road in the counties of Miami and Madison;

Read a third time and passed.

No. 184. A bill to incorporate the White River Navigation Company;

Read a third time and passed.

No. 139. A bill to amend the first article of the fifty-third chapter of the Revised Statutes of 1843, and for other purposes;

Read a third time and passed.

No. 367. A bill to define the lines of certain school districts in Clay county;

Read a third time and passed.

No. 317. A bill for the relief of the heirs of Henry Stephenson, deceased, late of Boone county;

Read a third time and passed.

No. 369. A bill giving certain powers and authority to the Frankfort road commissioners in Carroll county;

Read a third time and passed.

No. 75. A bill relative to the northern division of the Central canal;

The following amendment of the House was concurred in:

"Strike out the twelfth section of the bill."

On motion by Mr. Berry of Monroe,

The rules were suspended for the remainder of the day, for the introduction of bills;

Mr. Lane introduced,

No. 224. A bill authorizing the removal of obstructions in Big creek, in Posey county, and for other purposes;

Which was read a first time.

On motion by Mr. Lane,

The rules were suspended, and the bill read a second and third times and passed.

Mr. Berry of Monroe introduced,

No. 225. A bill to repeal a certain act therein named, so far as the counties of Monroe and Owen are concerned;

Which was read a first time.

On motion by Mr. Berry of Monroe,

The rules were suspended, and the bill read a second and third times and passed.

Mr. Davis introduced,

No. 226. A bill amendatory of an act entitled "An act relative to the appointment of county commissioners of the several counties in this State, to act as boards of library trustees in their respective counties, and for other purposes," approved January 6, 1845;

Which was read a first time.

On motion by Mr. Davis,

The rules were suspended, and the bill read a second time, and referred to the committee on education.

Mr. Montgomery introduced,

No. 227. A bill defining the duties of county auditors and school commissioners;

Which was read a first time.

On motion by Mr. Montgomery,

The rules were suspended, and the bill read a second time, and ordered to be engrossed for a third reading.

Mr. Allison, from a select committee, submitted the following report:



**MR. PRESIDENT:**

The select committee to whom was referred the petition of sundry citizens of the counties of Greene, Owen, and Clay, praying for the establishment of a State road from Point Commerce, in Greene county, to the feeder dam, on Eel river, in Clay county, have had the same under consideration, and directed me to report the following bill, and recommend its passage:

No. 288. A bill to locate a State road from Point Commerce, in Greene county, to the feeder dam, on Eel river, in Clay county.

Which was read a first time.

On motion by Mr. Allison,

The rules were suspended, and the bill read a second and third times, and laid upon the table.

Mr. Orth introduced,

No. 229. A bill to adjust the water power now used by James S. Hogeland;

Which was read a first time.

On motion by Mr. Orth,

The rules were suspended, and the bill read a second time, and referred to a select committee of Messrs. Orth, Montgomery, and Reyburn.

Mr. Ellis introduced,

No. 230. A bill for the relief of John Scott, and others;

Which was read a first time, and ordered to a second reading.

Mr. Akin, from a select committee, submitted the following report:

**MR. PRESIDENT:**

The select committee to whom was referred the petition of sundry citizens of Sullivan county, praying the formation of a school district in said county, have had the same under consideration, and have instructed me to report the following bill and recommend its passage:

No. 231. A bill to organize a school district in the county of Sullivan.

Which was read a first time.

On motion by Mr. Akin,

The rules were suspended, and the bill read a second time, and ordered to be engrossed for a third reading.

Mr. Handy, from a select committee, submitted the following report:

**MR. PRESIDENT:**

The select committee to whom was referred the petition of sundry citizens of Shelby county, asking the abolishing of an office therein

named, have had the same under consideration, and have directed me to report the following bill, and recommend its passage:

No. 232. A bill to repeal an act entitled "An act to authorize the election of two additional justices of the peace in Shelby county," approved February 14, 1839.

Which was read a first time.

On motion by Mr. Handy,

The rules were suspended, and the bill read a second and third times, and passed.

Mr. Miller introduced,

No. 233. A bill for the divorce of Cyner Lomax, of Orange county;

Which was read a first time and ordered to a second reading.

Mr. Leviston introduced,

No. 234. A bill for the relief of Mary Ann Wetherald, of Fayette county;

Which was read a first and second times, (the rules being suspended), and ordered to be engrossed for a third reading.

Mr. Chapman of Laporte, chairman of the committee on the judiciary, submitted the following report:

**MR. PRESIDENT:**

The committee on the judiciary to whom was referred bill of the Senate, No. 187, "A bill to amend the fifteenth chapter of the Revised Statutes, and to repeal certain sections of said chapter," have had the same under consideration, and have directed me to report the same back, with one amendment, and, upon its adoption, to recommend its passage.

Amend the seventh section as follows:

Strike out the words "now in force."

Which amendment was adopted.

The bill, as amended, was ordered to be engrossed for a third reading.

Mr. Henry introduced,

No. 235. A bill for the relief of Nancy Pickett, of Switzerland county;

Which was read a first time.

On motion by Mr. Henry,

The rules were suspended, and the bill read a second and third times, and passed.

On motion,

The Senate adjourned.



TUESDAY MORNING, JANUARY 13, 1846.

The Senate assembled.

The Journal of the preceding day was read.

Mr. Edmonson, chairman of the committee on corporations, made the following report:

MR. PRESIDENT:

The committee on corporations, to whom was referred bill of the Senate, No. 184, have had the same under consideration, and have directed me to report the same back to the Senate, and recommend its passage.

The bill was ordered to be engrossed for a third reading.

Mr. Verbribe, from the committee on corporations, submitted the following report:

MR. PRESIDENT:

The committee on corporations, to whom was referred bill No. 70, of the House, "A bill to incorporate the Evansville medical society, and to authorize the same to organize and establish a medical college," have had the same under consideration, and have directed me to report the same back to the Senate, without amendment, and recommend its passage.

The bill was ordered to a third reading.

Mr. Miller, from the committee on corporations, made the following report:

MR. PRESIDENT:

The committee on corporations to whom was referred a bill (of the House) No. 172, an act to incorporate the Union Medical Society of Northern Indiana, have had the same under consideration, and instructed me to report the same back to the Senate, and respectfully recommend its passage.

The bill was ordered to a third reading.

Mr. Verbribe, from the committee on corporations, made the following report:

MR. PRESIDENT:

The committee to whom was referred bill No. 225, (of the House) a bill to incorporate the Hoosier Band of Greenfield, have according to order had the same under consideration, and have directed me to report the bill back to the Senate, without amendment, and recommend its passage.

The rules were suspended, and the bill read a third time, and passed.

Mr. Edmonson, chairman of the committee on corporations, made the following report:

MR. PRESIDENT:

The committee on corporations to whom was referred a resolution of the Senate instructing the committee to enquire into the expediency of providing by law for the appointment of an agent to investigate the State bank and branches, have had the same under consideration and have directed me to report the same back to the Senate, and recommend its reference to the committee on the State bank.

Which report was concurred in.

Mr. Berry of Franklin, from the committee on corporations, made the following report:

MR. PRESIDENT:

The committee on corporations to whom was referred "A bill to incorporate the Milford and Columbus railroad company," have had that subject under consideration, and directed me to report it back to the Senate with one amendment, which when concurred in, they recommend its passage:

"Add SEC.—The directors shall be liable in their individual capacity for the payment of all debts to laborers for work done upon said road, which shall not be paid, when due, by the company in its corporate capacity, and if the directors prove insolvent, then the stockholders shall be liable in their individual capacity, for the payment of all such debts."

Which report was concurred in.

On motion by Mr. Morgan of Decatur,

The rules were suspended, and the bill read a third time, and passed.

Mr. Berry of Franklin, from the committee on corporations, made the following report:



MR. PRESIDENT:

The committee on corporations to whom was referred a bill entitled "A bill to incorporate the Marion and Wabash railroad company," have had that subject under consideration, and directed me to report it back to the Senate with amendments, which when concurred in, they recommend its passage:

"Add SEC.—The directors in said company, that shall contract any debts to laborers for work upon said road over and above the amount of stock, the payment of which is secured, shall be liable for the payment of all such excess in their individual capacity, and should the company in its corporate capacity fail to pay for labor when due, and the directors prove insolvent, the stockholders shall be liable, in their individual capacity, for the payment of all dues for work done upon said road.

"SEC.—The legislature reserves the right to amend or repeal this charter, whenever public good may require it, or its franchises prove oppressive to the people in the counties where they are exercised."

Which report was concurred in, and amendments adopted.

On motion by Mr. Winchell,  
The bill was laid upon the table.

Mr. Berry of Franklin, from the committee on corporations, submitted the following report:

MR. PRESIDENT:

The committee on corporations to whom was referred a bill entitled "A bill to change that part of the New Albany and Crawfordsville McAdamized road, which lies between Salem and New Albany, to a railroad, to be constructed by a private company," have had that subject under consideration, and directed me to report it back to the Senate with amendments, which when concurred in they recommend its passage:

"Add SEC.—*Provided*, Such association shall not by this act, be authorized to issue any scrip, and the members of said association shall be liable in their individual capacity for the payment of all dues to laborers employed by them, which shall not be paid in their corporate capacity when due.

"SEC.—The General Assembly shall alter or amend this act whenever public good shall require it."

Mr. Davis moved to concur in the amendment of the committee, with the following amendment:

"The General Assembly reserves the right to alter, amend or repeal this act at any time, for a violation of the provisions thereof;"

Which amendment was adopted, and the amendment of the committee, as amended, was concurred in.

Mr. Edmonson, chairman of the committee on corporations, submitted the following report:

MR. PRESIDENT:

The committee on corporations to whom was referred bill (of the House) No. 213, have had the same under consideration, and have directed me to report the same back to the Senate, and recommend its passage.

On motion,

The rules were suspended, and the bill read a third time, and passed.

Mr. Edmonson, chairman of the committee on corporations, submitted the following report:

MR. PRESIDENT:

The committee on corporations to whom was referred bill (of the House) No. 338, have had the same under consideration, and have directed me to report the same back to the Senate, and recommend its passage.

On motion by Mr. Edmonson,

The rules were suspended, and the bill read a third time and passed.

Mr. Allison, from the committee on enrolled bills, submitted the following report:

MR. PRESIDENT:

The committee on enrolled bills, to whom was referred bill of the Senate No. 75, entitled "A bill relative to the northern division of the Central canal, have compared the enrolled with the engrossed, and find it correctly enrolled, with a few immaterial omissions, which they have supplied.

Mr. Edmonson, chairman of the committee on corporations, submitted the following report:

MR. PRESIDENT:

The committee on corporations, to whom was referred House bill No. 12, a bill to amend an act entitled "An act to incorporate the Michigan road company, approved January 13, 1845, have had that subject under consideration, and directed me to report it back to the Senate with amendments, which when adopted, they recommend its passage.



Strike out sections five and six, and add:

"Sec. -. If the directors shall contract debts for labor, which shall not be paid by the company when due, they shall be liable, in their individual capacity, for the payment of all such debts.

"This act to take effect from and after its passage."

Mr. Reyburn moved to concur in the amendments of the committee, with the following amendment:

Insert the following:

"The said directors shall be held individually liable for all debts contracted over and above the solvent stock subscribed and secured."

Which amendment was adopted, and the amendments of the committee as amended, were concurred in.

The bill, as amended, was ordered to a third reading.

Mr. Orth, from a select committee, made the following report:

MR. PRESIDENT:

The select committee to whom was referred bill of the Senate No. 229, have instructed me to report the same back to the Senate, and recommend its passage:

On motion by Mr. Orth,

The rules were suspended, and the bill read a third time, and passed.

On motion by Mr. Reyburn,

The vote was reconsidered, concurring in the amendments of the committee, as amended, to House bill No. 12.

Mr. Reyburn then withdrew his amendment to the committee's amendments.

The question then recurring upon concurring in the amendments of the committee,

It was decided in the affirmative.

On motion by Mr. Reyburn,

The rules were suspended, and the bill as amended, was read a third time, and passed.

Mr. Bowers, from a select committee, made the following report:

MR. PRESIDENT:

The select committee to whom was referred bill of the House No. 166, entitled "A bill to amend an act entitled 'An act to incorporate the Vevay and Napoleon turnpike company,' approved February 8, 1836, approved January 15, 1844, approved January 13, 1845, have, according to order, had the same under consideration, and made two amendments thereto, and have in-

structed me to report the same to the Senate, and recommend their adoption, and the passage of the bill.

First amendment:

Amend section one, by striking out "ten" and inserting "fifty."

Second amendment.

Add an additional section as follows:

"Sec. 2. It shall be the duty of the commissioners named in the act to which this is an amendment, to convene at the town of Rising Sun, in the county of Ohio, on the first Monday in April, 1846, or as soon thereafter as may be convenient, and compare the stock books, and if it shall appear upon said examination that there is the requisite number of shares subscribed as required by this act, then and in that case they shall proceed to discharge the duties assigned them by the several acts to which this is an amendment."

Which report was concurred in, and the amendments adopted.

The bill as amended, was then ordered to a third reading.

Mr. Bowers, from a select committee, submitted the following report:

MR. PRESIDENT:

The select committee to whom was referred the petition and remonstrance of several citizens of Dearborn and Ripley counties, relative to a State road in said counties, have had the same under advisement, and have instructed me to report that, in their opinion, further legislation upon that subject is unnecessary, and ask to be discharged from the further consideration of the subject.

Which report was concurred in.

Mr. Bowers asked and obtained leave to withdraw from the files the petitions and remonstrances referred to in the report:

Mr. Logan, from a select committee, submitted the following report:

MR. PRESIDENT:

The select committee to whom was referred a bill of the Senate entitled "An act to attach additional territory to the county of Crawford, and for other purposes," have, according to order, had the same under their consideration, and have directed me to report the same back for the action of the Senate, and ask to be discharged from the further consideration thereof.

Mr. Miller moved that there be a call of the Senate;

Which was ordered.



On motion by Mr. Akin,  
The further call was suspended.  
The question then recurring upon the engrossment of the bill,  
The ayes and noes were called for by Messrs. Zenor and Miller;  
and,

*Those who voted in the affirmative are,*

Messrs. Barbour, Berry of Franklin, Berry of Monroe, Buell, Chapman of Daviess, Chapman of Laporte, Coffin, Cuppy, Edmonson, English, Handy, Herriman, Howell, Jackson, Jones, Leviston, Logan, Major, Miller, Parks, Read, Rockhill and Wood—23.

*Those who voted in the negative are,*

Messrs. Akin, Bowers, Bradbury, Chenowith, Conner, Davis, Ellis, Goodenow, Hamer, Hamrick, Henry, Holloway, Moore, Morgan of Decatur, Morgan of Rush, Murphey, Orth, Pomeroy, Reyburn, Todd, Verbribe, Wood, and Zenor—23.

So the bill was not ordered to be engrossed.

Mr. Chapman of Daviess made the following report from a select committee:

**MR. PRESIDENT:**

The select committee to whom was referred bill of the House No. 249, entitled, "A bill for the relief of John B. Coleman and others, of Daviess county," have had the same under consideration, and have directed me to report the same back with the following amendment: "Strike out all except the enacting clause and insert the following," with which they recommend its passage:

No. 249. A bill for the relief of John B. Coleman and others;  
Which report was concurred in.

The rules were then suspended and the bill read a third time and passed.

Mr. Chenowith, from a select committee, submitted the following report:

**MR. PRESIDENT:**

The committee to whom was referred a bill appointing commissioners to make partition of the real estate of Stephen S. Collett, late of Vermillion county, deceased, have had that subject under consideration, and have directed me to report it back, without amendment, and recommend its passage.

The bill was ordered to be engrossed for a third reading.

Mr. English moved to take from the table,  
No. 218. A bill (of the Senate) for the relief of John Happeler and others;

Which motion prevailed.

Mr. Davis proposed the following amendment to the first section of the bill:

"Provided, however, that nothing in this act contained shall be so construed as to affect in any way any donation heretofore made by said John Fishlie, deceased, to the State of Indiana."

Which amendment was adopted.

The bill, as amended, was then ordered to be engrossed for a third reading.

Mr. Winchell, from a select committee, submitted the following report:

**MR. PRESIDENT:**

The select committee to whom was referred a petition of sundry citizens of the county of Delaware, praying for the extension of the benefits of an act, approved February 2, 1843, regulating the granting of licenses in the county of Rush and other counties, to the said county of Delaware, have had the same under consideration, and directed me to report the following bill and respectfully recommend its passage:

No. 235. A bill regulating the granting of licenses in the county of Delaware;

Which was read a first time and ordered to a second reading.

Mr. Pomeroy moved to reconsider the vote by which House bill No. 12 was passed;

Which motion prevailed.

On motion by Mr. Herriman,

The vote was reconsidered by which the bill was ordered to a third reading.

Mr. Herriman then proposed the following amendment to the bill, to be inserted instead of the sixth section of the bill:

"The Legislature shall have the right to alter or repeal this act, whenever any of its provisions are violated."

Which amendment was adopted.

On motion,

The rules were suspended and the bill read a third time and passed.

Mr. Rockhill, from a select committee, submitted the following report:



MR. PRESIDENT:

The select committee to whom was referred bill of the House No. 270, entitled, "A bill to assess a school tax in the counties of Adams and Jay," have had the same under consideration, and have directed me to report it back, without amendment, and recommend its passage.

The bill was read a third time, the rules being suspended, and passed.

Mr. Morgan of Rush, from a select committee, submitted the following report:

MR. PRESIDENT:

The select committee to whom was referred bill No. 97, of the Senate, entitled, "A bill defining the duties of county treasurer, county auditor, and supervisors of highways," have had the same under consideration, and instructed me to report it back to the Senate and recommend its passage, when the following amendments are concurred in:

Amend as follows:

*First.* To section eight add, "in Rush and Hancock counties, except the eighteenth section of an act entitled, 'An act providing for opening and repairing roads and highways in Hancock county,' approved January 15, 1844."

*Second.* "All special laws for working roads in Hancock county, except as herein excepted, are hereby repealed; and this act, and so much of chapter sixteen of the Revised Statutes of 1843 as does not conflict with this act, is hereby declared to be the law in the said county of Hancock."

*Third.* Strike out section nine, and insert, "this act to be in force in the counties of Rush and Hancock from and after its publication."

Which amendments were concurred in.

The bill was then read a third time, the rules being suspended, and passed.

On motion by Mr. Morgan of Rush,

The title of the bill was amended by adding, "in the counties of Rush and Hancock."

Mr. Verbrake offered the following resolution:

WHEREAS, The present Legislature has been crowded with petitions for divorces, and much time has already been spent in the consideration of the same: AND WHEREAS, The action of the present session has established a precedent which may be followed by hun-

dreds of petitions for the same purpose in after years, and thereby incur a heavy expense, with but little corresponding benefit to the State: AND WHEREAS, The evidence in most cases is almost entirely ex parte, and the principal reason assigned by the applicants is their inability to prosecute their claims in the circuit courts, where both parties can appear if they wish so to do: Therefore,

*Resolved*, That the judiciary committee be instructed to enquire whether the law granting divorces cannot be so altered as to allow the applicant to hand in his or her petition to the judges of the several circuit courts in this State; the said judges to examine the premises, and if, in their opinion, the case is a meritorious one, proceed forthwith to grant the prayer of the petitioner, without costs in the case; with leave to report by bill or otherwise.

Which was adopted.

Mr. Allison gave notice that he should, on to-morrow, offer a resolution providing that the Senate shall meet at seven o'clock, P. M., and hold night sessions until the final adjournment.

Mr. Lane gave notice that he should, on to-morrow, offer a resolution to change the rules of the Senate, so that no new business shall be introduced after Thursday next.

Mr. Wood offered the following resolution:

*Resolved*, That the Senate will, the House concurring therein, proceed, on Wednesday (to-morrow), at two o'clock, P. M., to elect a Superintendent on the Wabash and Erie canal, to fill the vacancy which will be occasioned by the expiration of the term of service of the present incumbent.

On motion by Mr. Edmonson,  
The resolution was laid upon the table.

Mr. Berry of Franklin introduced,  
No. 236. A bill to prevent suits in certain cases;  
Which was read a first time.

On motion by Mr. Berry of Franklin,  
The rules were suspended, and the bill read a second time and referred to a select committee of Messrs. Berry of Franklin, Holloway, Murphey, Morgan of Rush, Leviston, and Wood.

Mr. Handy introduced,

No. 237. A bill to amend an act entitled, An act to provide for the collection of debts due from the Lawrenceburgh and Indianapolis railroad company;

Which was read a first, second and third times, the rules being suspended, and passed.

Mr. Orth introduced,

No. 238. A bill to provide for the erection of a bridge across the Wabash and Erie canal;

Which was read a first time.



On motion by Mr. Orth,  
The rules were suspended, and the bill read a second and third times and passed.

Mr. Herriman introduced,

No. 239. A bill to enable the township of Lawrenceburgh, in Dearborn county, to turnpike all the roads within the same;

Which was read a first, second and third times, the rules being suspended, and passed.

Mr. Conner introduced,

No. 240. An act to provide for the collection of the county seminary fund of Hamilton county;

Which was read a first, second and third times, the rules being suspended, and passed.

Mr. Herriman moved to take from the messages of the House,

No. 278. A joint resolution extending the provisions of a certain act therein named;

Which motion prevailed.

The joint resolution was then read a first, second and third times, the rules being suspended, and passed.

Mr. Akin moved to take from the table,

No. 228. A bill to locate a State road from Point Commerce, in Greene county, to the feeder dam on Eel river, in Clay county;

Which motion prevailed.

The bill was then read a third time and passed.

Mr. Pomeroy introduced,

No. 241. A bill for the relief of Harvey Chase of Cass county;

Read a first and second times, the rules being suspended, and,

On motion by Mr. Orth,

Referred to the committee on the judiciary.

Mr. Todd introduced,

No. 242. An act to repeal an act entitled, "An act authorizing the election of certain officers in the town of Indianapolis," approved January 15, 1844, and reviving the old law;

Read a first, second and third times, the rules being suspended, and passed.

Mr. Jackson introduced,

No. 243. An act to amend the 50th article of the 48th chapter of the Revised Statutes of 1843, regulating the issuing of writs of ad quod damnum;

Read a first and second times, the rules being suspended, and referred to the committee on the judiciary.

Mr. Orth introduced,

No. 244. A bill to appoint commissioners to assess damages done by State agents and canal contractors to the lands of Jesse L. Watson of Tippecanoe county;

Read a first and second times, the rules being suspended, and referred to the committee on claims.

Mr. Davis introduced,

No. 245. An act in relation to an alley in Georgetown, Floyd county;

Read a first, second and third times, the rules being suspended, and passed.

Mr. Rockhill introduced,

No. 246. An act for the relief of certain owners of canal lands; Read a first and second times, the rules being suspended.

Mr. Berry of Franklin then moved to amend the bill by striking out the words "with interest thereon."

On the adoption of the amendment,

The ayes and noes being called for by Messrs. Rockhill and Herriman,

*Those who voted in the affirmative are,*

Messrs. Berry of Franklin, Berry of Monroe, Conner, Hamer, Hamrick, Lane, Leviston, Moore, Morgan of Rush, and Parks—11.

*Those who voted in the negative are,*

Messrs. Akin, Allison, Barbour, Bowers, Bradbury, Buell, Chapman of Laporte, Cuppy, English, Goodenow, Handy, Henry, Herriman, Holloway, Howell, Jackson, Logan, Major, Miller, Morgan of Decatur, Murphey, Pomeroy, Read, Reyburn, Rockhill, Todd, Verbriek, Wood, and Zenor—29.

So the amendment was not adopted.

The bill was then read a third time, the rules being suspended, and passed.

On motion by Mr. Lane,

The messages from the House of Representatives were then taken up.

No. 384. An act authorizing the commissioners of Henry county to reduce the width of county roads;

Read a first and second times, the rules being suspended, and referred to the committee on roads.

No. 307. A bill to amend the 4th article, chapter 7, of the Revised Statutes, and for other purposes;

Read a first and second times, the rules being suspended, and referred to the committee on the judiciary.

No. 350. An act for the relief of Thomas Daniels and William Daniels, executors of James Daniels, deceased;

Read a first and second times, the rules being suspended, and referred to the committee on the judiciary.

No. 352. A joint resolution in relation to the Buffalo and Mississippi railroad;

Read a first and second times, the rules being suspended, and



referred to the select committee having the same subject now under consideration.

No. 412. A bill for the relief of John Patterson of Boone county;  
Read a first and second times, the rules being suspended, and referred to the committee on the judiciary.

No. 418. A bill for the relief of the widow of Thomas Murphey, deceased, of Brookville, Franklin county;

Read a first, second and third times, the rules being suspended, and passed.

No. 359. An act to incorporate the Philomathean Society of the Indiana University;

Read a first, second and third times, the rules being suspended, and passed.

No. 440. An act to amend the road law in Tipton county;

Read a first, second and third times, the rules being suspended, and passed.

No. 339. An act to repeal part of a certain act therein named, and for other purposes;

Read a first, second and third times, the rules being suspended, and passed.

No. 356. A bill to legalize the judicial acts of John F. Merrill, late a justice of the peace in Huntington county;

Read a first, second, and third times, the rules being suspended, and passed.

No. 408. An act to incorporate the town of Hagerstown;

Read a first, second, and third times, the rules being suspended, and passed.

No. 385. An act to establish an additional election precinct in Union township, Perry county;

Read a first, second, and third times, the rules being suspended, and passed.

No. 437. A joint resolution providing for the annual publication of General Washington's farewell address, with the Governor's message;

Read a first, second, and third times, the rules being suspended, and passed.

No. 370. An act granting additional powers to the President and Trustees of the town of Dublin;

Read a first, second, and third times, the rules being suspended, and passed.

No. 387. An act to legalize the election and official acts of William H. Parmelee, as probate judge of Wells county;

Read a first, second, and third times, the rules being suspended, and passed.

No. 407. An act to locate a State road in Noble county;

Read a first, second, and third times, the rules being suspended, and passed.

No. 420. An act regulating the times of holding probate courts in Greene county;

Read a first, second, and third times, the rules being suspended, and passed.

No. 355. An act to vacate a part of the town of Independence, in St. Joseph county;

Read a first, second, and third times, the rules being suspended, and passed.

No. 353. A bill amendatory of an act entitled an act incorporating the town of South Bend, St. Joseph county, Indiana, approved January 15, 1844, and for other purposes;

Read a first, second, and third times, the rules being suspended, and passed.

No. 345. An act to authorize the commissioners of Carroll county, to make a certain appropriation therein named;

Read a first, second, and third times, the rules being suspended, and passed.

No. 439. An act relative to the change of a State road, in Boone county;

Read a first, second, and third times, the rules being suspended, and passed.

No. 363. An act declaring a road therein named, a State road;

Read a first, second, and third times, the rules being suspended, and passed.

No. 366. A bill to locate a State road, in the counties of Bartholomew, Decatur, and Jennings;

Read a first, second, and third times, the rules being suspended, and passed.

No. 400. An act to authorize the auditor of Madison county, to sell the 16th section;

Read a first, second, and third times, the rules being suspended, and passed.

No. 430. An act to legalize the proceedings of the board of trustees of the town of Rising Sun, in Ohio county;

Read a first, second, and third times, the rules being suspended, and passed.

No. 270. An act to assess a school tax in the counties of Adams and Jay;

Read a first, second, and third times, the rules being suspended, and passed.

No. 351. An act to authorize Samuel Hoge to construct a mill dam across the Tippecanoe river, in Fulton county;

Read a first, second, and third times, the rules being suspended, and passed.

No. 431. An act to legalize the acts of Daniel B. Redman;

Read a first, second, and third times, the rules being suspended, and passed.



No. 423. An act for the relief of Henry Manul, and the widow and children of John Read, deceased;

Read a first, second, and third times, the rules being suspended, and passed.

No. 358. An act relative to the fees of auditor of Monroe county;

Read a first, second, and third times, the rules being suspended, and passed.

No. 410. A bill to authorize a re-survey of section in township three, south of range five east, in Harrison county;

Read a first, second, and third times, the rules being suspended, and passed.

No. 380. A bill to authorize the sale of a school section, in Jay county;

Read a first, second, and third times, the rules being suspended, and passed.

No. 388. A bill to legalize the assignment of certificates to certain school lands in this State;

Read a first, second, and third times, the rules being suspended, and passed.

No. 403. An act to vacate a part of a State road, in Bartholomew county;

Read a first, second, and third times, the rules being suspended, and passed.

No. 354. A bill supplementary to an act entitled "An act to incorporate the South Bend manufacturing company," approved December 28, 1842;

Read a first and second times, the rules being suspended, and referred to the committee on corporations.

357. A bill to amend section 27, chapter 7, of the Revised Statutes of 1843, in relation to allowances to sheriffs, by county boards;

Read a first and second times, the rules being suspended, and referred to the committee on the judiciary.

No. 371. A bill for the relief of E. J. Peck;

Read a first and second times, the rules being suspended, and referred to the committee on the judiciary.

No. 372. A bill to repeal certain acts therein named;

Read a first and second times, the rules being suspended, and referred to the committee on the judiciary.

No. 375. A bill to authorize and permit John Carter, of Brown county, to relinquish a part of certain Saline lands, in Brown county;

Read a first and second times, the rules being suspended, and referred to the committee on education.

No. 373. A bill for the relief of James S. Mayes, late school commissioner of Knox county;

Read a first and second times, the rules being suspended, and referred to the committee on education.

No. 428. A bill for the relief of Mary Ann Brewer;

Read a first time, and ordered to a second reading.

The Senate concurred in the amendment of the House of Representatives, to Senate bill No. 71.

No. 364. A bill to attach the county of Tippecanoe, to the 8th judicial circuit, and for other purposes;

Read a first and second times, the rules being suspended, and,

On motion by Mr. Orth,

Laid upon the table.

No. 276. A bill in relation to the jurisdiction of justices of the peace;

Read a first time, and ordered to a second reading.

No. 153. A bill (of the Senate) fixing a certain annual compensation to the Auditor of Boone county;

Bill and amendment of the House, laid upon the table.

No. 365. A bill amendatory of the several acts relative to the New Albany and Vincennes road;

Read a first and second times, the rules being suspended, and referred to the committee on corporations.

No. 139. A bill of the Senate;

The amendment of the House—"Strike out 'five,' and insert 'three,' in the 9th line of the third section,"—was concurred in.

No. 376. A joint resolution transferring a certain book from the State library to the library of the State University;

Read a first, second, and third times, the rules being suspended.

The question recurring upon the passage of the bill,

It was decided in the negative.

No. 377. A joint resolution for the reduction of the price of public lands to actual settlers;

Read a first and second times, the rules being suspended, and referred to the committee on federal relations.

No. 389. An act to provide for a free turnpike road in Steuben county;

Read a first and second times, the rules being suspended, and referred to the committee on corporations.

No. 390. A bill for the relief of Henry D. Smith;

Read a first time, and ordered to a second reading.

No. 392. A bill for the relief of Indiana Young;

Read a first time, and ordered to a second reading.

No. 393. A bill for the divorce of Robert Hemphill of Monroe county;

Read a first time, and ordered to a second reading.

No. 409. An act declaratory of, and to amend an act entitled "An act authorizing Joseph Quinn and James Norvell to erect toll bridges," approved January 13, 1845;

Read a first and second times, the rules being suspended, and referred to the committee on corporations.



No. 415. A bill to secure to Ohio county a share of the common school and surplus revenue funds, and for other purposes;

Read a first and second times, the rules being suspended, and laid upon the table.

No. 460. A bill to incorporate the Madison and Napoleon turnpike company;

Read a first and second times, the rules being suspended, and referred to the committee on corporations.

No. 293. An act to authorize Nicholas McCarty to build a mill dam across White river;

Read a first and second times, the rules being suspended, and referred to a select committee of Messrs. Todd, Verbriek, Handy, Conner and Hardin.

No. 141. A bill of the House;

The House refused to concur in the amendments of the Senate.

Mr. Chapman of Laporte, moved that the Senate recede from their first amendment:

Which motion prevailed.

On motion by Mr. Hamrick,

The Senate receded from their second amendment.

The President laid before the Senate a communication from the board of directors of the Indiana mutual fire insurance company; which,

On motion by Mr. Buell,

Was laid upon the table.

No. 73. A bill of the House;

Mr. Herriman moved that the Senate insist upon their amendments to the said bill of the House.

The ayes and noes being called for by Messrs. Herriman, and Chapman of Laporte,

*Those who voted in the affirmative are,*

Messrs. Akin, Barbour, Berry of Monroe, Bowers, Bradbury, Buell, Chapman of Laporte, Chenowith, Cuppy, Davis, English, Goodenow, Hamer, Hardin, Herriman, Holloway, Howell, Jackson, Leviston, Logan, Major, Montgomery, Moore, Morgan of Decatur, Morgan of Rush, Murphey, Orth, Pomeroy, Read, Reyburn, Rockhill, Todd, Verbriek, Winchell, Wood and Zenor—36.

*Those who voted in the negative are,*

Messrs. Chapman of Daviess, Edmonson, Hamrick, Handy, Henry, Jones, Miller, and Parks—8.

So the Senate decided to insist on their amendments.

On motion,

The Senate adjourned until 2 o'clock, P. M.

*2 o'clock, P. M.*

The Senate met;

Mr. Orth moved that there be a call of the Senate;

Which was ordered.

All the Senators appearing in their seats,

The further call was suspended.

The Senate then proceeded, according to order, with closed doors, to the consideration of the communication of his Excellency, the Governor, nominating Samuel E. Perkins and Thomas L. Smith, as Judges of the Supreme Court of this State, to fill the vacancies occasioned by the expiration of the term of service of the Hon. Charles Dewey and Hon. Jeremiah Sullivan.

Mr. Parks offered the following resolution:

*Resolved*, That the Senate do advise and consent to the appointment of Thomas L. Smith, as one of the Judges of the Supreme Court of Indiana, agreeably to the nomination.

On the adoption of the resolution,

The ayes and noes being called for by Messrs. Orth, and Morgan of Decatur,

*Those who voted in the affirmative are,*

Messrs. Akin, Berry of Franklin, Berry of Monroe, Chapman of Daviess, Cuppy, Edmonson, English, Handy, Hardin, Herriman, Howell, Jackson, Jones, Lane, Leviston, Logan, Major, Miller, Parks, Read, Rockhill, and Wood—22.

*Those who voted in the negative are,*

Messrs. Allison, Barbour, Bowers, Bradbury, Buell, Chapman of Laporte, Chenowith, Coffin, Conner, Davis, Ellis, Goodenow, Hamer, Hamrick, Henry, Holloway, Montgomery, Moore, Morgan of Decatur, Morgan of Rush, Murphey, Orth, Pomeroy, Reyburn, Todd, Verbriek, Winchell, and Zenor—28.

So the resolution was not adopted.

On advising and consenting to the nomination of Samuel E. Perkins,

The ayes and noes being called for by Messrs. Orth and Davis,

*Those who voted in the affirmative are,*

Messrs. Akin, Barbour, Berry of Franklin, Berry of Monroe, Buell, Chapman of Daviess, Cuppy, Edmonson, English, Handy,



Hardin, Herriman, Howell, Jackson, Jones, Lane, Leviston, Logan, Major, Miller, Parks, Read, Rockhill, and Wood—24.

*Those who voted in the negative are,*

Messrs. Allison, Bowers, Bradbury, Chapman of Laporte, Chenowith, Coffin, Conner, Davis, Ellis, Goodenow, Hamer, Hamrick, Henry, Holloway, Montgomery, Moore, Morgan of Decatur, Morgan of Rush, Murphey, Orth, Pomeroy, Reyburn, Todd, Verbriek, Winchell, and Zenor—26.

So the nomination was not consented to.

On motion by Mr. Orth,

*Ordered*, That the Secretary inform his Excellency the Governor of the action of the Senate in relation to said nominations.

Mr. Lane moved to suspend the rules to allow him to make a report from a committee.

The ayes and noes being called for by Messrs. Chapman of Laporte and Barbour,

*Those who voted in the affirmative are,*

Messrs. Akin, Barbour, Berry of Franklin, Berry of Monroe, Buell, Chapman of Daviess, Chenowith, Coffin, Conner, Cuppy, Davis, Edmonson, English, Goodenow, Hamer, Hamrick, Handy, Henry, Herriman, Howell, Jackson, Jones, Lane, Miller, Montgomery, Moore, Orth, Parks, Pomeroy, Read, Reyburn, Rockhill, Todd, Verbriek, and Zenor—35.

*Those who voted in the negative are,*

Messrs. Bowers, Bradbury, Chapman of Laporte, Ellis, Hardin, Holloway, Leviston, Logan, Major, Morgan of Decatur, Morgan of Rush, Murphey, Winchell, and Wood—14.

So the rules were suspended.

Mr. Lane, then, from the committee on canals and internal improvements, reported back, for the action of the Senate,

No. 159. A bill to provide for the funded debt of the State of Indiana, and for the completion of the Wabash and Erie canal to Evansville.

On motion by Mr. Davis,

The bill was ordered to be made the special order of the day for to-morrow, at two o'clock, P. M.

The Senate then proceeded to the consideration of the orders of the day.

# HOUSE BILLS ON THIRD READING.

No. 166. An act to amend an act entitled, "An act to incorporate the Vevay and Napoleon Turnpike Company, approved Feb. 8, 1836," approved January 15, 1844;

Read a third time and passed.

No. 197. An act for the relief of the heirs of Michael Ross, deceased;

Read a third time and passed.

No. 237. A bill to amend the sixty-fifth section of the fifty-fourth chapter of the Revised Statutes of 1843;

Read a third time and passed.

No. 252. A bill for the relief of certain purchasers of school lands in Lost Creek township, in Vigo county;

Read a third time and passed.

No. 272. An act to extend an act to provide for the transfer of the surplus revenue fund, &c., approved February 11, 1843;

Read a third time and passed.

No. 287. A bill to change that part of the New Albany and Crawfordsville McAdamized road which lies between Salem and New Albany, to a railroad, to be constructed by a private company;

Read a third time and passed.

# SENATE BILLS ON THIRD READING.

No. 187. An act to amend the fifteenth chapter of the Revised Statutes, and to repeal certain sections of said chapter;

Read a third time and passed.

No. 206. An act in relation to the repairing of the college buildings;

Read a third time, and,

On motion by Mr. Handy,

Laid upon the table.

No. 217. A bill appointing commissioners to make partition of the real estate of Stephen S. Collett, late of Vermillion county, deceased;

Read a third time and passed.

No. 237. An act to amend an act entitled, "An act to provide for the collection of debts due from the Lawrenceburgh and Indianapolis Railroad Company," approved January 12, 1845;

Read a third time and passed.

No. 231. An act to organize a school district in the county of Sullivan;

Read a third time and passed.

No. 227. An act defining the duties of county auditors and school commissioners;

Read a third time and passed.



No. 234. An act for the relief of Mary Ann Wetherald, of Fayette county;

Read a third time and passed.

No. 14. An act to authorize the qualified voters of this State to vote for or against the calling of a convention for a revision of the constitution of this State;

Read a third time.

On the passage of the bill,

The ayes and noes being called for by two Senators,

*Those who voted in the affirmative are,*

Messrs. Akin, Barbour, Berry of Franklin, Berry of Monroe, Bradbury, Buell, Chapman of Daviess, Chenowith, English, Hamer, Hamrick, Handy, Hardin, Henry, Herriman, Howell, Jackson, Leviston, Logan, Major, Miller, Montgomery, Moore, Morgan of Rush, Parks, Pomeroy, Read, Todd, Wood, and Zenor—30.

*Those who voted in the negative are,*

Messrs. Allison, Chapman of Laporte, Cuppy, Davis, Ellis, Goodenow, Holloway, Lane, Morgan of Decatur, Murphey, Reyburn, Rockhill, Todd, and Winchell—14.

So the bill passed.

No. 221. An act to legalize the acts of the probate judge of Tippecanoe county;

Read a third time and passed.

No. 163. An act leasing the State Prison, and for other purposes;

Read a third time.

Mr. Chapman of Laporte moved to fill the first blank in said bill, relating to the salary of the chaplain, with \$150;

Which motion prevailed.

On motion,

The second blank was filled with the word "ten."

On motion,

The third blank, in relation to the term of service of the warden, was filled with the words "three years."

Mr. Chapman of Laporte moved to fill the next blank, in regard to the salary of the warden, with \$700.

The ayes and noes being called for by Messrs. Chapman of Laporte and Barbour,

*Those who voted in the affirmative are,*

Messrs. Akin, Allison, Barbour, Bowers, Bradbury, Chapman of Daviess, Chapman of Laporte, Conner, Davis, Edmonson, Ellis, English, Herriman, Holloway, Howell, Jones, Lane, Morgan of Decatur, Murphey, Pomeroy, and Read—21.

*Those who voted in the negative are,*

Messrs. Berry of Franklin, Berry of Monroe, Buell, Chenowith, Cuppy, Goodenow, Hamer, Hamrick, Handy, Hardin, Henry, Jackson, Leviston, Logan, Major, Miller, Montgomery, Moore, Morgan of Rush, Parks, Reyburn, Rockhill, Todd, Verbribe, Winchell, Wood, and Zenor—29.

So the blank was not so filled.

Mr. Hamrick then moved to fill the blank with \$600.

The ayes and noes being demanded by Messrs. Herriman and Chapman of Laporte,

*Those who voted in the affirmative are,*

Messrs. Akin, Allison, Barbour, Bowers, Bradbury, Chapman of Daviess, Chapman of Laporte, Chenowith, Coffin, Conner, Davis, Edmonson, Ellis, English, Goodenow, Hamer, Hardin, Herriman, Holloway, Howell, Jones, Lane, Leviston, Miller, Moore, Morgan of Decatur, Morgan of Rush, Murphey, Orth, Pomeroy, Read, Reyburn, Todd, Verbribe, Winchell, and Zenor—36.

*Those who voted in the negative are,*

Messrs. Berry of Franklin, Berry of Monroe, Buell, Cuppy, Hamrick, Handy, Henry, Jackson, Logan, Major, Montgomery, Parks, Rockhill, and Wood—14.

So the blank was so filled.

The bill was then passed.

Mr. Chapman of Daviess, from the committee on enrolled bills, made the following report:

MR. PRESIDENT:

The committee on enrolled bills, to whom was referred bills Nos. 123, 120, 132, 115, 127, 65, 116, 134, 111, 94, 36, 22, 121, 28, have compared the enrolled with the engrossed and find them correctly enrolled. They have also compared bill No. 43 with the engrossed, and find the word "Indiana" omitted in the second line of the first section, which they have corrected.

No. 193. A bill for the relief of V. & J. King and others;

Read a third time.

On the passage of the bill,

The ayes and noes being demanded by two Senators,



*Those who voted in the affirmative are,*

Messrs. Allison, Bowers, Bradbury, Chapman of Laporte, Coffin, Davis, Ellis, English, Goodenow, Holloway, Jones, Lane, Montgomery, Moore, Pomeroy, Todd, Verbrike, and Zenor—19.

*Those who voted in the negative are,*

Messrs. Barbour, Berry of Franklin, Berry of Monroe, Chapman of Daviess, Cuppy, Edmonson, Hamer, Hamrick, Handy, Hardin, Herriman, Howell, Jackson, Leviston, Logan, Major, Morgan of Decatur, Morgan of Rush, Parks, Read, and Winchell—21.

So the bill was not passed.

#### BILLS ON SECOND READING.

No. 250. An act to incorporate the Ohio and Indianapolis Railroad Company;

Read a second time.

Mr. Davis withdrew his amendment, which was pending when the bill was last under consideration, and offered the following:

Add the following additional sections:

"SEC. —. That a company may be formed at any time hereafter under the provisions of this act, who shall have full power and authority to continue the road contemplated by this act to the city of New Albany, below the falls of the Ohio river; and so soon as the sum of thirty thousand dollars shall be subscribed and secured for the purpose of continuing said railroad to New Albany, and the Governor shall be satisfied of the fact, then, and in that case, a company may be formed for the purpose of continuing said road as aforesaid, and each and all of the privileges, provisions and benefits of this act are hereby extended for said purposes to the company so as aforesaid to be formed.

"SEC. —. All elections of officers of said company, as contemplated in the above sections, shall be held in New Albany."

Mr. Davis moved that there be a call of the Senate,

Which was ordered.

All the Senators appearing.

The further call was suspended.

The question then recurring upon the adoption of Mr. Davis's amendments,

The ayes and noes were demanded by Messrs. Davis and Read; and,

*Those who voted in the affirmative are,*

Messrs. Allison, Bowers, Bradbury, Chapman of Laporte, Chenoweth, Coffin, Conner, Davis, Ellis, Goodenow, Hamer, Hamrick, Henry, Holloway, Montgomery, Moore, Morgan of Decatur, Morgan of Rush, Murphey, Orth, Pomeroy, Reyburn, Todd, Verbrike, Winchell, and Zenor—26.

*Those who voted in the negative are,*

Messrs. Akin, Barbour, Berry of Franklin, Berry of Monroe, Buell, Chapman of Daviess, Cuppy, Edmonson, English, Handy, Hardin, Herriman, Howell, Jackson, Jones, Leviston, Logan, Major, Parks, Read, Rockhill, and Wood—22.

So the amendment was adopted.

Mr. Goodenow then proposed to amend the bill as follows:

Amend the 14th section by inserting in the fifth line, after the words "falls of Ohio," the words, "by way of the city of Madison."

Pending which,

Mr. Barbour moved the previous question;

Which was seconded.

The question being,

"Shall the main question be now put?"

It was decided in the affirmative.

The main question being,

"Shall the amendments be engrossed and the bill be ordered to a third reading?"

It was decided in the affirmative.

The rules being suspended,

Mr. Henry, from the committee on education, submitted the following report:

MR. PRESIDENT:

The committee on education to whom was referred the petition of Jonathan Marquart, "asking aid of the legislature to educate the indigent blind," have had that subject under consideration, and have directed me to report the following bill and recommend its passage.

No. 247. A bill to educate the indigent blind of this State; Read a first, second, and third times, the rules being suspended, and passed.

On motion,

The Senate adjourned.



WEDNESDAY MORNING, JAN. 14, 1846.

The Senate assembled.

The Journal of the preceding day was read.

The President laid before the Senate a communication in relation to the regulation of State Prison; which,

On motion, was laid upon the table.

Leave being granted,

Mr. Herriman introduced,

No. 248. A bill supplemental to the act approved January 6, 1846, entitled "An act to amend an act entitled 'An act to incorporate the Buffalo and Mississippi railroad company,' approved February 6, 1835;"

Which was read a first time.

On motion by Mr. Herriman,

The rules were suspended, and the bill read a second and third times, and passed.

The President laid before the Senate, Robert Owen's "Address to the ministers of all Religions, delivered in the Chinese Museum, Philadelphia, December 21, 1845."

On motion by Mr. Morgan of Decatur,

The communication was laid upon the table.

Mr. Handy presented the petition of sundry citizens of Shelby county, praying for the passage of an act authorizing a certain school commissioner to make a deed for a certain land therein named; which,

On motion by Mr. Handy,

Was referred to a select committee of Messrs. Handy, Parks, and Morgan of Rush.

Mr. Goodenow presented the petition of David Francisco and others, in relation to a certain road therein named; which,

On motion by Mr. Goodenow,

Was referred to the committee on roads.

Mr. English presented the petition of John Finley and others, in relation to a certain road therein named; which,

On motion by Mr. English,

Was referred to a select committee of Messrs. English, Handy, and Jackson.

Mr. Winchell presented the petition of S. B. Campbell and others, praying the repeal of certain laws.

On motion by Mr. Winchell,

The petition was referred to the committee on the judiciary.

Mr. Akin presented the petition of John B. Murray, praying the allowance of certain claims against the State of Indiana; which,

On motion by Mr. Morgan of Decatur,  
Was referred to the committee on finance.

Mr. Moore presented the petition of sundry citizens of Montgomery county, in relation to granting licenses for the sale of intoxicating liquors.

On motion by Mr. Moore,

The petition was referred to a select committee of Messrs. Moore, Davis, and Goodenow.

Mr. Hamrick, from the committee on enrolled bills, made the following report:

MR. PRESIDENT:

The committee on enrolled bills to whom was referred bills Nos. 102, 152, 204, 119, and 212, have compared the enrolled with the engrossed, and find them correctly enrolled; also, bill No. 67, in the 1st section, 19th line, the word "Dearborn" one Senator, and 3d section, 33d line, the word "county," was left out, which omissions they have supplied.

Mr. Handy, from the committee on education, submitted the following report:

MR. PRESIDENT:

The committee on education to whom was referred bill (of the Senate) No. 113, entitled "An act to increase the common school fund," have had that subject under consideration, and have directed me to report it back to the Senate, with one amendment, and recommend its passage as amended:

"Amend as follows:

"SEC. — *And be it further enacted*, That if said bank shall fail or refuse to pay said bonus of one per cent., then and in that case, all laws and parts of laws now in force authorizing said bank to issue bills of a less denomination than five dollars, be and they are hereby repealed."

Mr. Lane moved to lay the bill and amendment upon the table.  
The ayes and noes being demanded by Messrs. Handy and Lane.

*Those who voted in the affirmative are,*

Messrs. Bradbury, Chenowith, Conner, Davis, Ellis, Hamer, Hamrick, Howell, Lane, Montgomery, Moore, Murphey, Pomeroy, Reburn, Rockhill, Todd, Verbribe, Winchell, and Zenor—19.



*Those who voted in the negative are,*

Messrs. Akin, Allison, Barbour, Berry of Franklin, Berry of Monroe, Bowers, Buell, Chapman of Daviess, Chapman of Laporte, Cuppy, Edmonson, English, Goodenow, Handy, Hardin, Henry, Herriman, Holloway, Jones, Leviston, Major, Miller, Morgan of Decatur, Morgan of Rush, Orth, and Parks—26.

So the motion to lay upon the table did not prevail.

The question then recurring upon concurring in the report,

The ayes and noes were demanded by Messrs. Chapman of Laporte, and Handy, and,

*Those who voted in the affirmative are,*

Messrs. Akin, Allison, Barbour, Berry of Franklin, Berry of Monroe, Bowers, Buell, Chapman of Daviess, Chapman of Laporte, Cuppy, Edmonson, English, Handy, Hardin, Henry, Herriman, Jones, Leviston, Major, Miller, Morgan of Decatur, and Parks—22.

*Those who voted in the negative are,*

Messrs. Bradbury, Chenowith, Conner, Ellis, Goodenow, Hamer, Hamrick, Holloway, Howell, Lane, Montgomery, Moore, Morgan of Rush, Murphey, Pomeroy, Reyburn, Rockhill, Verbriek, Todd, Winchell, and Zenor—20.

So the report was concurred in, and the amendment adopted.

Mr. Allison moved to reconsider the vote, by which the report was concurred in.

The ayes and noes being demanded by Messrs. Herriman and Handy.

*Those who voted in the affirmative are,*

Messrs. Allison, Chenowith, Davis, Ellis, Hamer, Hamrick, Holloway, Howell, Lane, Moore, Morgan of Rush, Orth, Pomeroy, Reyburn, Rockhill, Todd, Verbriek, Winchell, and Zenor—19.

*Those who voted in the negative are,*

Messrs. Akin, Barbour, Berry of Franklin, Berry of Monroe, Bowers, Buell, Chapman of Daviess, Chapman of Laporte, Cuppy, Edmonson, English, Handy, Hardin, Henry, Herriman, Jackson, Jones, Leviston, Logan, Major, Miller, Montgomery, Morgan of Decatur, Parks, and Read—25.

So the vote was not reconsidered.

The question then recurring upon the engrossment of the bill, as amended,

The ayes and noes were called for by Messrs. Akin and Chapman of Laporte, and,

*Those who voted in the affirmative are,*

Messrs. Akin, Barbour, Berry of Franklin, Berry of Monroe, Bowers, Buell, Chapman of Daviess, Chapman of Laporte, Cuppy, Edmonson, English, Handy, Hardin, Henry, Herriman, Jackson, Jones, Leviston, Logan, Major, Miller, Montgomery, Parks, Read, and Wood—25.

*Those who voted in the negative are,*

Messrs. Allison, Bradbury, Chenowith, Davis, Ellis, Goodenow, Hamrick, Holloway, Howell, Lane, Moore, Morgan of Decatur, Morgan of Rush, Murphey, Orth, Pomeroy, Reyburn, Rockhill, Todd, Verbriek, Winchell, and Zenor—22.

So the bill, as amended, was ordered to be engrossed for a third reading.

A message from the House of Representatives:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House have concurred in the engrossed amendment of the Senate to bill of the House,

No. 86. An act to authorize the trustees for the Vincennes University to bring suit against the State, and for other purposes.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House have concurred in the engrossed amendments of the Senate to bills of the House of the following titles:

No. 103. An act to modify the thirtieth section, chapter sixteen, of the Revised Statutes;

No. 205. An act to amend an act entitled, "An act to incorporate the Michigan Road Company south of Indianapolis;"

No. 87. An act to amend the law regulating the practice in the eleventh judicial circuit;

No. 139. An act to amend the first article of the fifty-third chapter of the Revised Statutes of 1843, and for other purposes;

No. 296. An act to locate a State road in the counties of Miami and Madison;



No. 156. An act for the relief of purchasers of canal lands lying in the county of Cass.

The House of Representatives have also concurred in the amendment of the Senate to the engrossed amendment of the House to bill of the Senate,

No. 66. An act to extend further time to the borrowers of the sinking fund.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House have passed the following engrossed bills of the Senate without amendment:

No. 224. An act authorizing the removal of obstructions in Big creek, in Posey county, and for other purposes;

No. 225. An act to repeal a certain act therein named, so far as the counties of Monroe and Owen are concerned.

A message from his Excellency the Governor, by Mr. Powers:

MR. PRESIDENT:

I am directed by his Excellency the Governor to inform the Senate that on yesterday he approved and signed:

No. 118. An act to incorporate the Wabash Navigation Company;

No. 75. An act in relation to the northern division of the Central canal;

Both of which originated in the Senate.

Mr. Todd, chairman of the committee on education, submitted the following report:

MR. PRESIDENT:

The committee on education, to whom was referred bill of the Senate No. 160, entitled, "A bill for the relief of John C. Parker," have considered the same, and have directed me, by a vote of the majority of said committee, to report the said bill back to the Senate and recommend that the same be indefinitely postponed.

Which report was not concurred in.

The bill was then ordered to be engrossed for a third reading.

Mr. Handy, from the committee on education, submitted the following report:

MR. PRESIDENT:

The committee on education, to whom was referred bill of the House No. 274, entitled, "An act for the relief of purchasers of school lands in Fulton county," have had that subject under consideration, and have directed me to report that it is inexpedient to legislate on that subject.

Which report was concurred in.

On motion by Mr. Handy,  
The bill was laid upon the table.

Mr. Montgomery, from the committee on education, submitted the following report:

MR. PRESIDENT:

The committee on education, to whom was referred bill No. 318 entitled, "A bill relative to apprentices," with instructions, have had the subject under consideration, and directed me to report the same back to the Senate, with two amendments, and recommend its passage:

Amend as follows:

Strike out the word "six" where it occurs, and insert "twelve."

Add the following proviso:

"*Provided*, That said apprentices shall be sent to school in terms of three months continuously."

Which report was concurred in, and the amendments adopted.  
The bill, as amended, was then ordered to a third reading.

Mr. Todd, chairman of the committee on education, submitted the following report:

MR. PRESIDENT:

The committee on education, to whom was referred a resolution of the Senate, whereby said committee were instructed to enquire into the expediency of repealing the present school laws, and substituting in its stead a system less complicated and more practical; or, if this should be deemed inexpedient, that said committee be instructed to enquire into the expediency of revising the present law, have had that subject under consideration, and have directed me to report that it is inexpedient to legislate on that subject at this time, and ask to be discharged from the further consideration of the subject.

Which report was concurred in.



Mr. Lane, chairman of the committee on canals and internal improvements, made the following report:

MR. PRESIDENT:

The committee on canals and internal improvements, to whom was referred the petition of Theodore R. Brackenridge, Charlotte Brackenridge, and Ann Maria Brackenridge, have had the same under consideration, and have directed me to report the following bill:

No. 249. A bill for the relief of Theodore R., Ann Maria, and Charlotte Brackenridge, heirs of George W. Brackenridge, deceased; Which was read a first time and ordered to a second reading.

Mr. Lane, chairman of the committee on canals and internal improvements, made the following report:

MR. PRESIDENT:

The committee on canals and internal improvements, to whom was referred bill of the House No. 283, allowing the commissioner of the Wabash and Erie canal to employ an engineer, and for other purposes, have had the same under consideration, and have directed me to report the same to the Senate and recommend its passage.

On motion,

The rules were suspended, and the bill read a third time, and passed.

Mr. Rockhill, from the committee on canals and internal improvements, made the following report:

MR. PRESIDENT:

The committee on canals and internal improvements, to whom was referred the petition of citizens of Huntington county, praying the passage of a law authorizing the purchase of certain lots which are the property of the heirs of John Tipton, deceased, have had that subject under consideration, and as they believe it is necessary to hold the lots named in the petition, to the profitable use of the water power owned by the State, at the town of Huntington, they have directed me to report the following bill, and recommend its passage:

No. 250. A bill to authorize the purchase of lands in Huntington county;

Which was read a first time.

On motion by Mr. Rockhill,

The rules were suspended, and the bill read a second and third times, and passed.

Mr. Rockhill, from the committee on canals and internal improvements, submitted the following report:

MR. PRESIDENT:

The committee on canals and internal improvements, to whom was referred bill of the House No. 148, for the relief of the widow and children of Jesse Clinger, deceased, have had the same under consideration, and have made one amendment, by striking it out from the enacting clause, and inserting the following, and recommend its passage:

"That it shall be the duty of the General Superintendent of the Wabash and Erie canal to appoint suitable persons in pursuance of the statute in such case made and provided, to assess the damages done by the construction of the St. Joseph feeder dam on the Wabash and Erie canal, to the farm and land on said canal in Allen county, between the sections of De Rome and Ann Hackley; of which Jesse Clinger, late of Allen county, deceased, died seized.

"Sec. 2. This act shall take effect and be in force from and after its passage."

Which report was concurred in, and the amendment adopted.

On motion by Mr. Rockhill,

The rules were suspended, and the bill read a third time, and passed.

Mr. Buell, chairman of the committee on the State Bank, made the following report:

MR. PRESIDENT:

A House bill in relation to advertising delinquent lands having been referred to the committee on the State Bank, I respectfully report it back with one amendment, for the consideration of the Senate:

Amend as follows:

"*Provided*, That hereafter it shall be the duty of the sinking fund commissioners to make their annual sale of delinquent lands at Indianapolis on the second Saturday of December of each year."

Which amendment was adopted.

The question recurred upon ordering the bill as amended, to a third reading.

The ayes and noes being demanded by Messrs. Buell and Murphey.



*Those who voted in the affirmative are,*

Messrs. Allison, Barbour, Berry of Franklin, Bowers, Bradbury, Buell, Chapman of Daviess, Davis, Edmonson, Ellis, English, Goodenow, Hamer, Hamrick, Handy, Hardin, Henry, Herriman, Holloway, Howell, Jackson, Jones, Lane, Leviston, Major, Miller, Moore, Morgan of Decatur, Morgan of Rush, Murphey, Parks, Pomeroy, Read, Rockhill, Todd, Verbriek, Winchell, Wood, and Zenor—39.

*Those who voted in the negative are,*

Messrs. Akin, Chapman of Laporte, and Logan—3.

So the bill as amended, was ordered to a third reading.

A message from the House of Representatives:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House of Representatives have passed the following engrossed bills thereof:

No. 462. An act to locate a certain State road therein named;

No. 463. An act to locate a certain State road therein named;

No. 464. An act to amend an act entitled "An act to incorporate the Laporte University," approved January 20, 1842;

No. 465. An act to furnish Tipton county with the Revised Statutes of 1843;

No. 466. An act to incorporate the Madison cemetery;

In which the concurrence of the Senate is respectfully requested.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House have passed the following engrossed bills and joint resolutions thereof:

No. 293. An act to authorize Nicholas McCarty to build a mill dam across White river, in Marion county;

No. 446. An act to incorporate the Hagerstown and Newcastle turnpike company;

No. 443. An act to locate a State road therein named;

No. 396. An act amending the 45th section of chapter 12, of the Revised Statutes of 1843, and for other purposes;

No. 438. A joint resolution relating to the signers of the Declaration of our Independence;

No. 427. An act to exempt from taxation for corporation purposes, certain lands within the limits of the city of Lawrenceburgh;

No. 297. An act to incorporate the Andersontown, Greenfield and Shelbyville railroad company;

No. 414. An act relative to supervisors in the counties of Carroll and Clinton;

No. 404. An act for the relief of Jacob Whisler;

No. 401. An act to amend the 7th chapter, section 74, of the Revised Statutes 1843;

No. 397. An act relative to reviving the militia law;

No. 381. An act to divorce Arthur E. Williams;

No. 334. An act to incorporate the Lawrenceburgh and Rushville turnpike company;

No. 282. An act to incorporate the Wild Cat navigation company;

No. 332. An act amendatory of the third section of chapter 50, of the Revised Laws of 1843;

No. 429. An act to repeal an act entitled "An act in relation to the appointment of county commissioners of the several counties in this State to act as boards of library trustees in their respective counties, and for other purposes," approved January 6, 1845, so far as the county of Posey is concerned;

No. 395. An act to provide for the payment of the members and officers of the General Assembly;

No. 314. An act to subject certain lands to taxation;

No. 417. An act to extend the time of holding probate courts in Parke and Posey counties;

No. 447. An act for the relief of the securities of William H. Darnall, late school commissioner of Hendricks county;

No. 448. An act to provide for doing county business in the county of Clay;

No. 461. An act to vacate a part of the plat of the town of South Bend, in St. Joseph county;

No. 445. An act to incorporate the Knightstown and Shelbyville railroad company;

No. 449. An act for the relief of the owners of wet lands in Allen county;

No. 452. An act fixing the time of holding courts in the 9th judicial circuit;

No. 394. An act making general appropriations for the year 1846;

No. 450. A joint resolution in relation to a State road from the St. Mary's river, on the State line, to the Wabash and Erie canal;

No. 411. An act relative to the State roads in Elkhart county;

No. 460. An act to incorporate the Madison and Napoleon turnpike company;

In which the concurrence of the Senate is respectfully requested.

The House have also passed the following engrossed bills of the Senate, without amendment:



No. 205. An act to locate a State road in Warren and Fountain counties;

No. 149. An act for the relief of Survilar Jane Neal, (late Eudaly);

No. 156. An act to amend an act therein named;

No. 166. An act to divorce Matilda Knight of Clay county, from her husband, Samuel Knight;

No. 171. An act for the relief of Sarah Gregory of Laporte county;

No. 203. An act for the relief of Benjamin H. Scott, of Miami county;

No. 73. An act to incorporate the Peru and Indianapolis railroad company;

No. 146. An act to change the location of the feeder dam on Sugar creek, in Parke county.

The House of Representatives have also passed the following engrossed bills of the Senate, with amendments:

No. 91. An act abolishing the highway tax in Morgan county; With one amendment.

No. 10. A joint resolution on the subject of liens upon real estate; With one amendment.

No. 169. An act for the relief of Moses Noble, of Vanderburgh county;

With one amendment.

In which amendments of the House, the concurrence of the Senate is requested.

The House have also concurred in the amendments of the Senate, to bills of the House, of the following titles:

No. 69. An act in relation to a contractor on the Madison and Indianapolis railroad;

No. 145. A joint resolution on the subject of procuring a law by Congress in relation to the sale of congressional townships;

No. 212. An act transferring the duties of school commissioners of Daviess and Martin counties, to the treasurers of said counties.

The House of Representatives refuse to concur in the amendments of the Senate, to bills of the House, of the following titles:

No. 141. An act to allow owners of partnership fences to remove the same;

No. 73. An act to provide for the re-appraisement of real estate heretofore appraised and subject to taxation.

Mr. Todd, from a select committee, submitted the following report:

MR. PRESIDENT:

The select committee to whom was referred bill (of the House) No. 293, entitled "An act to authorize Nicholas McCarty to build

a mill dam across White river, in Marion county," have had the same under their consideration, and have directed me to report the same back to the Senate, and respectfully recommend its passage.

The bill was then read a third time, the rules being suspended, and passed.

Mr. English, from a select committee, submitted the following report:

MR. PRESIDENT:

The select committee to whom was referred the petition of sundry citizens of Jackson, Scott, and Washington counties, praying a change in the State road from McDonald's ferry, in Clark county, to Brownstown, in Jackson county, have had the same under consideration, and directed me to report a bill in accordance with the petitioners, and recommend its passage.

No. 251. A bill to change a part of the State road from McDonald's ferry, in Clark county, to Brownstown, in Jackson county;

Which was read a first, second, and third times, the rules being suspended, and passed.

Mr. English asked and obtained leave to withdraw from the files, the petitions referred to in the report.

Mr. Ellis, from a select committee, submitted the following report:

MR. PRESIDENT:

The select committee to whom was referred (House) bill No. 76, "For benefit of the inhabitants of township one, north of range ten west," after having had the same under consideration, have instructed me to report the same to the Senate and recommend that the same be indefinitely postponed.

Which report was concurred in.

Mr. Edmonson moved to reconsider the vote by which said report was concurred in,

Which motion prevailed.

The question then recurring upon concurring in the report,

It was decided in the negative,

Mr. Ellis moved to lay the bill upon the table.

Which motion did not prevail.

The bill was then ordered to a third reading.

Mr. Holloway, from a select committee, submitted the following report:



**MR. PRESIDENT:**

The select committee to whom was referred a bill entitled "to prevent suits in certain cases," have had the same under consideration, and a majority of said committee have directed me to report it back to the Senate, and recommend its passage.

Mr. Berry of Franklin, from the same committee, submitted the following report:

**MR. PRESIDENT:**

The undersigned one of a select committee to whom was referred a bill entitled "A bill to prevent suits in certain cases" with the majority of the committee have had that subject under consideration, and find the object of the bill is to prevent certain holders of State bonds, from being heard in the courts of the State, unless they will bring into court a large amount of money or the stocks of companies, to which the State had transferred her works of internal improvements. The bill, if enacted into a law will most probably be of no avail, as the courts will regard it out of the power of the legislature to deprive creditors of a legal or equitable action, and if such should be the case, the provisions will be useless to our citizens, and disreputable to our State. The bill is intended more particularly, to prevent the State creditors from taking the proceeds of that part of the White Water Valley Canal, which was constructed and completed by the State between the town of Lawrenceburgh and Brookville, towards the payment of interest upon bonds sold by the State to procure money, to prosecute her public works. The holders of these bonds, claim to have a prior lien upon the proceeds of the above named portion of the canal, to that of the company. Let this be as it may, it is a question for the judiciary and not the General Assembly to settle; for which purpose, a suit is already instituted in the Franklin circuit court.

Such being the facts, and not from any hostility to the interests of the stockholders, of the White Water Valley Canal Company, I think such legislation upon that subject, will be of no avail to those asking for it, and therefore useless.

On motion by Mr. Orth,

The rules were suspended, and the bill read a third time and passed.

Mr. Parks, from a select committee, submitted the following report:

**MR. PRESIDENT:**

The select committee to whom was referred a bill in relation to the sale of property on execution, and also a petition of sundry citi-

zens on the same subject, have according to order had the same under consideration, and have instructed me to report the same back to the Senate and recommend that the whole matter be laid on the table, inasmuch as the session is near a close, and much other business of perhaps more importance to the people than this, yet to be acted upon.

Which report was concurred in, and the bill accordingly laid upon the table.

Leave being granted,

Mr. Orth introduced,

No. 252. A bill amendatory of an act, entitled "An act to incorporate the Lafayette and Ohio turnpike company;"

Which was read three times, the rules being suspended, and passed.

Leave being granted,

Mr. Jackson introduced,

No. 253. A bill for the relief of William Henry, George Vineyard, Solomon Nelson, Adam Pence, Joseph Pence, and Garrett McCallister, heirs of Evan Pugh;

Which was read a first time.

On motion by Mr. Morgan of Decatur,

The rules were suspended, and the bill referred to the committee on finance.

Mr. Goodenow, chairman of the committee on roads, made the following report:

**MR. PRESIDENT:**

The committee on roads, to whom was referred bill of the House No. 384, entitled, "An act authorizing the commissioners of Henry county to reduce the width of county roads," have had the same under consideration, and have directed me to report the bill back to the Senate and recommend its passage.

The question,

"Shall the bill be ordered to a third reading?"

Was decided in the negative.

Leave being granted,

Mr. Leviston introduced,

No. 254. A bill in relation to the opening of roads in the county of Fayette;

Which was read a first time.

On motion by Mr. Leviston,

The rules were suspended, and the bill read a second and third times and passed.

Leave being granted,

Mr. Handy introduced,



No. 255. A bill authorizing the removal of obstructions in Big Blue river in Shelby county, and for other purposes ;

Which was read a first and second times, the rules being suspended.

On motion by Mr. Miller,

The bill was then amended by inserting after the word "Big" the words "and Little".

On motion,

The rules were suspended, and the bill read a third time and passed.

In pursuance of notice given yesterday,

Mr. Lane offered the following resolution :

*Resolved*, That the Senate will not entertain any new business after Thursday, the 15th instant.

On motion by Mr. Herriman,

The resolution was amended by adding thereto, "unless by a vote of two thirds of the Senate."

The resolution, as amended, was then adopted.

Leave being granted,

Mr. Handy, from a select committee, made the following report :

MR. PRESIDENT :

The select committee to whom was referred the petition of citizens of Shelby county praying the passage of a law authorizing certain school commissioners to make a deed to certain school lands, have had the same under consideration, and have directed me to report the following bill and recommend its passage :

No. 256. A bill for the relief of Jacob Rozell ;

Which was read a first time.

On motion by Mr. Handy,

The rules were suspended, and the bill read a second and third times and passed.

Mr. Orth introduced,

No. 257. A bill to provide for the inspection of whiskey in Tippecanoe county ;

Which was read a first time.

On motion by Mr. Orth,

The rules were suspended, and the bill read a second and third times and passed.

Mr. Allison offered the following resolution :

*Resolved*, That the Senate will hereafter hold night sessions, meeting at 7 o'clock, P. M., until the day of adjournment.

Which was not adopted.

Mr. Howell moved to reconsider the vote refusing to adopt said resolution ;

The ayes and noes being demanded by two Senators,

*Those who voted in the affirmative are,*

Messrs. Akin, Allison, Berry of Monroe, Buell, Chenowith, Cuppy, Davis, Edmonson, Hamrick, Handy, Howell, Jackson, Jones, Lane, Leviston, Logan, Montgomery, Morgan of Rush, Parks, Read, and Todd—21.

*Those who voted in the negative are,*

Messrs. Barbour, Bowers, Bradbury, Chapman of Laporte, Ellis, Goodenow, Hardin, Herriman, Holloway, Major, Miller, Morgan of Decatur, Murphey, Orth, Pomeroy, Reyburn, Rockhill, Verbriek, Winchell, and Zenor—20.

So the vote was reconsidered.

Mr. Orth then moved to amend the resolution by striking out "7" and insert "10."

Mr. Holloway moved to lay the amendment upon the table ;

Pending which,

Mr. Orth moved to lay the resolution and amendment upon the table ;

The ayes and noes being demanded by Messrs. Orth and Chapman of Laporte,

*Those who voted in the affirmative are,*

Messrs. Barbour, Bowers, Bradbury, Buell, Chapman of Laporte, Ellis, Goodenow, Hamer, Hardin, Herriman, Holloway, Major, Moore, Morgan of Decatur, Murphey, Orth, Pomeroy, Reyburn, Rockhill, Verbriek, and Zenor—21.

*Those who voted in the negative are,*

Messrs. Akin, Allison, Berry of Monroe, Chenowith, Cuppy, Davis, Edmonson, English, Hamrick, Handy, Howell, Jackson, Jones, Lane, Leviston, Logan, Miller, Montgomery, Morgan of Rush, Parks, Read, and Todd—22.

So the resolution and amendment were not laid upon the table.

Mr. Orth then withdrew his amendment.

Mr. Morgan of Rush then proposed to amend the resolution by providing,

"That on Friday evening next and after, until the close of the session, the Senate will meet at 7 o'clock, P. M., for the purpose of holding night sessions."

Which amendment was adopted ;

And the resolution, as amended, was then adopted.



The Senate then proceeded to the consideration of the orders of the day.

#### HOUSE BILLS ON THIRD READING.

No. 250. An act to incorporate the Ohio and Indianapolis Railroad Company;

Read a third time and passed.

No. 70. An act to incorporate the Evansville Medical Society, and to authorize said medical society to organize and establish a medical college;

Read a third time and passed.

Mr. Jones moved to take from the table,

No. 158. An act to establish a certain State road therein named, in Fountain county;

Which motion prevailed.

Read a third time and passed.

No. 172. An act to incorporate the Union Medical Society of Northern Indiana;

Read a third time and passed.

#### SENATE BILLS ON THIRD READING.

No. 184. A bill to charter the Alumni of Hanover College;

Read a third time and passed.

No. 218. An act for the relief of James Hoppeler and others;

Read a third time and passed.

Mr. Davis moved to reconsider the vote by which was indefinitely postponed,

No. 245. An act relative to tax titles;

Which motion prevailed.

On motion by Mr. Davis,

The bill was recommitted to the committee on the judiciary.

On motion,

The Senate adjourned until two o'clock, P. M.

2 o'clock, P. M.

The Senate met.

Leave being granted,

Mr. Herriman introduced,

No. 258. A bill to change the name of John Nichols to that of John Bevier Nichols;

Which was read a first time.

On motion by Mr. Herriman,

The rules were suspended, and the bill read a second and third times and passed.

Mr. English moved that there be a call of the Senate;

Which was ordered.

On motion,

The further call was suspended.

The special order of the day being bill of the Senate No. 159,

On motion by Mr. Lane,

The consideration of the same was postponed until to-morrow morning at nine o'clock.

Mr. Buell moved to take from the table No. 265, a bill of the House;

Which motion prevailed.

The bill was then referred to a select committee of Messrs. Buell, Chapman of Laporte, Edmonson, Berry of Franklin, and Morgan of Decatur.

Mr. Chapman of Laporte moved to take from the table No. 138, a bill of the Senate.

The ayes and noes being demanded by Messrs. Herriman and Chapman of Laporte,

*Those who voted in the affirmative are,*

Messrs. Akin, Barbour, Bowers, Bradbury, Buell, Chapman of Laporte, Chenowith, Davis, Ellis, Hamer, Herriman, Holloway, Jackson, Jones, Montgomery, Moore, Murphey, Orth, Pomeroy, and Reyburn—20.

*Those who voted in the negative are,*

Messrs. Allison, Berry of Franklin, Berry of Monroe, Chapman of Daviess, Coffin, Conner, Edmonson, English, Goodenow, Hamrick, Handy, Hardin, Henry, Howell, Lane, Leviston, Logan, Major, Miller, Morgan of Decatur, Morgan of Rush, Parks, Read, Rockhill, Todd, Verbrike, Winchell, and Zenor—28.

So the bill was not taken from the table.

On motion by Mr. Herriman,

The messages from the House were then taken up.

No. 452. An act fixing the time of holding courts in the ninth judicial circuit;

Read a first, second, and third times, the rules being suspended, and passed.

No. 411. An act relative to State roads in Elkhart, St. Joseph, and Laporte counties;

Read a first, second, and third times, the rules being suspended, and passed.



No. 450. A joint resolution in relation to a State [road] from St. Mary's river, on the State line, to the Wabash and Erie canal;

Read a first, second, and third times, the rules being suspended, and passed.

No. 449. An act for the relief of owners of wet lands in Allen county;

Read a first, second, and third times, the rules being suspended, and passed.

No. 438. A joint resolution in relation to the signers of the declaration of our independence;

Read a first, second, and third times, the rules being suspended, and passed.

No. 448. An act to provide for doing county business in the county of Clay;

Read a first, second, and third times, the rules being suspended, and passed.

No. 417. An act to extend the time of holding probate courts in Parke and Posey counties;

Read a first, second, and third times, the rules being suspended, and passed.

No. 446. An act to incorporate the Hagerstown and New Castle Turnpike Company;

Read a first and second times, the rules being suspended, and referred to the committee on corporations.

No. 396. A bill amending the forty-fifth section of chapter twelve, of the Revised Statutes of 1843, and for other purposes;

Read a first and second times, the rules being suspended, and referred to the committee on the judiciary.

No. 394. An act making general appropriations for the year 1846; Read a first time and ordered to a second reading.

No. 445. A bill to incorporate the Knightstown and Shelbyville Railroad Company;

Read a first time.

On motion by Mr. Handy,

The rules were suspended, and the bill read a second time and referred to a select committee of Messrs. Handy, Murphey, Morgan of Rush, and Jackson.

No. 427. A bill to exempt from taxation for corporation purposes certain lands within the limits of the city of Lawrenceburgh;

Read a first time.

On motion by Mr. Buell,

The rules were suspended, and the bill read a second time and referred to a select committee of Messrs. Buell, Berry of Franklin, and Morgan of Rush.

No. 381. A bill to divorce Arthur E. Williams;

Read a first time and ordered to a second reading.

No. 314. A bill to subject certain lands to taxation;

Read a first time and ordered to a second reading.

No. 332. A bill amendatory of the third section of chapter fifty, of the Revised Laws of 1843;

Read a first and second times, the rules being suspended, and referred to the committee on the judiciary.

No. 429. An act to repeal an act, &c., approved January 6, 1845; Read a first, second, and third times, the rules being suspended, and passed.

No. 401. An act to amend the seventh chapter, section seventy-four, of the Revised Statutes of 1843;

Read a first, second, and third times, the rules being suspended, and passed.

No. 395. A bill to provide for the payment of the members and officers of the General Assembly;

Read a first, second, and third times, the rules being suspended, and passed.

No. 461. An act to vacate part a of the plat of the town of South Bend in St. Joseph county;

Read a first, second, and third times, the rules being suspended, and passed.

No. 443. A bill to locate a State road therein named;

Read a first, second, and third times, the rules being suspended, and passed.

No. 466. A bill to incorporate the Madison Cemetery;

Read a first, second, and third times, the rules being suspended, and passed.

No. 282. A bill to incorporate the Wild Cat navigation company;

Read a first and second times, the rules being suspended, and referred to the committee on corporations.

No. 334. A bill to incorporate the Lawrenceburgh and Rushville turnpike company;

Read a first and second times, the rules being suspended, and referred to the committee on corporations.

No. 297. A bill to incorporate the Andersontown, Greenfield, and Shelbyville railroad company;

Read a first and second times, the rules being suspended, and referred to the committee on corporations.

No. 414. A bill relative to supervisors in the counties of Carroll and Clinton;

Read a first and second times, the rules being suspended, and referred to a select committee of Messrs. Major, Herriman, and Rockhill.

No. 404. A bill for the relief Jacob Whisler;

Read a first time, and ordered to a second reading.

No. 397. A bill relative to the reviving the militia laws;

Read a first and second times, the rules being suspended, and,

On motion by Morgan of Decatur,

Referred to the committee on federal relations.



No. 169. A bill of the Senate,

On motion,

The Senate concurred in the engrossed amendments of the House of Representatives to said bill.

No. 91. A bill of the Senate;

The Senate concurred in the engrossed amendments of the House to said bill.

No. 10. A joint resolution of the Senate;

The Senate concurred in the engrossed amendments of the House to said joint resolution.

No. 465. An act to furnish Tipton county with the Revised Statutes;

Read a first, second, and third times, the rules being suspended, and passed.

No. 464. An act to amend an act entitled "An act to incorporate the Laporte University," approved January 20, 1842;

Read a first, second, and third times, the rules being suspended, and passed.

No. 463. An act to locate a certain State road therein named;

Read, a first, second, and third times, the rules being suspended, and passed.

No. 462. An act to locate a certain State road therein named;

Read a first, second, and third times, the rules being suspended, and passed.

No. 216. A bill for the relief of Elizabeth Preston;

Read a first and second times, the rules being suspended, and,

On the passage of the bill,

The ayes and noes being called for by Messrs. Murphey and Ellis,

*Those who voted in the affirmative are,*

Messrs. Berry of Franklin, Berry of Monroe, Chapman of Daviess, Chapman of Laporte, Conner, Cuppy, Davis, Edmonson, English, Handy, Hardin, Herriman, Howell, Jackson, Leviston, Major, Miller, Parks, Pomeroy, Read, Todd, and Winchell—22.

*Those who voted in the negative are,*

Messrs. Allison, Barbour, Bradbury, Buell, Ellis, Goodenow, Hamrick, Holloway, Jones, Logan, Montgomery, Moore, Morgan of Decatur, Morgan of Rush, Murphey, Reyburn, Rockhill, Verbriek, and Zenor—19.

So the bill was passed.

#### SENATE BILLS ON SECOND READING.

No. 214. An act to authorize Joshua Small and Ephraim Overman to construct a mill dam across the Mississinewa river;

Read a second and third times, the rules being suspended, and passed.

No. 208. A bill to establish a State road in the counties of Huntington, Whitley, and Wabash;

Read a second and third times, the rules being suspended, and passed.

No. 209. An act to locate a State road in the counties of Whitley, Noble, and Kosciusko;

Read a second and third times, the rules being suspended, and passed.

No. 220. An act for the relief of John Scott and others;

Read a second time, and ordered to be engrossed for a third reading.

No. 235. An act regulating the granting of licenses in the county of Delaware;

Read a second and third times, the rules being suspended, and passed.

No. 233. An act for the divorce of Cynet Lomax of Orange county;

Read a second time, and ordered to be engrossed for a third reading.

#### HOUSE BILLS ON THE SECOND READING.

No. 276. An act in relation to the jurisdiction of justices of the peace;

Read a second time, and,

On motion by Mr. Morgan of Decatur,

Laid upon the table.

No. 390. A bill for the relief of Henry D. Smith;

Read a second time, and ordered to a third reading.

No. 428. A bill for the relief of Mary Ann Bruner;

Read a second time, and ordered to a third reading.

No. 393. A bill for the divorce of Robert Hemphill of Monroe county;

Read a second time, and ordered to a third reading.

No. 392. A bill for the relief of Indiana Young;

Read a second time, and ordered to a third reading.

Leave being granted,

Mr. Akin, chairman of the committee on finance, made the following report:

MR. PRESIDENT:

The committee on finance, to whom was referred bill of the Senate No. 253, entitled "A bill for the relief of the securities of James A. Kinder, late collector of Madison county, have considered the



same, and have made one amendment thereto, which, when adopted, they recommend its passage.

Strike out from the enacting clause, and insert the following :

"No. 253. A bill for the relief of the securities of James A. Kinder, late a collector of Madison county :"

Which report was concurred in, and the amendment adopted.

The bill, as amended, was then read a third time, the rules being suspended, and passed.

Mr. Holloway moved to reconsider the vote by which the Senate refused to engross,

No. 173. An act to incorporate the Greensfork and Hagerstown turnpike company ;

The ayes and noes being called for by Messrs. Holloway and Herriman,

*Those who voted in the affirmative are,*

Messrs. Allison, Bradbury, Chapman of Daviess, Chapman of Laporte, Davis, Henry, Holloway, Howell, Jackson, Major, Montgomery, Moore, Morgan of Decatur, Morgan of Rush, Pomeroy, Reyburn, Todd, Verbriek, Winchell, and Zenor—20.

*Those who voted in the negative are,*

Messrs. Akin, Barbour, Berry of Franklin, Berry of Monroe, Cuppy, Edmonson, English, Handy, Hardin, Herriman, Jones, Lane, Leviston, Logan, Read, and Rockhill—16.

So the vote was reconsidered.

Mr. Holloway now moved a call of the Senate, which was ordered.

All the Senators appearing,

On motion by Mr. Herriman,

A further call was suspended.

On motion by Mr. Herriman,

The rules were suspended, and the bill read a third time, and passed.

Leave being granted,

Mr. Rockhill, from a select committee, submitted the following report:

MR. PRESIDENT :

The select committee, to whom was referred bill of the House No. 232, entitled "An act to amend an act entitled An act to incorporate the city of Fort Wayne," and for reviving and repealing all laws and parts of

laws heretofore enacted on that subject, have had the same under consideration, and upon due reflection consider that a bill of such magnitude, embracing some sixty odd pages, should have been accompanied by petition, or some expression of the wishes of the people interested, and as there has been no such expression, the committee have directed me to report the same back to the Senate, and recommend that it be laid on the table.

Which report was concurred in, and the bill accordingly laid upon the table.

Mr. Winchell moved to take from the table certain petitions in relation to the abolition of slavery.

Which motion prevailed.

Mr. Murphey moved to take from the table certain petitions on the same subject.

Which motion prevailed.

On motion by Mr. Winchell,

Said petitions were referred to the committee on the judiciary.

Leave being granted,

Mr. Buell, from a select committee, made the following report :

MR. PRESIDENT :

The select committee, to whom was referred bill of the House No. 265, limiting the time within which actions for the recovery of real estate shall be commenced, have had the same under consideration, and have directed me to report it back without amendment, and recommend its passage.

On motion by Mr. Buell,

The rules were suspended, and the bill read a third time, and passed.

Mr. Winchell moved to take from the table,

No. 201. A bill to incorporate the Marion and Wabash rail road company ;

Which motion prevailed.

Mr. Winchell then moved to indefinitely postpone the bill.

The ayes and noes being called for by Messrs. Herriman and Akin,

*Those who voted in the affirmative are,*

Messrs. Barbour, Chapman of Daviess, Chapman of Laporte, Edmonson, English, Hamer, Holloway, Jones, Miller, Morgan of Rush, Pomeroy, Todd, and Verbriek—13.



*Those who voted in the negative are,*

Messrs. Akin, Allison, Berry of Franklin, Berry of Monroe, Bowers, Bradbury, Chenowith, Coffin, Cuppy, Davis, Ellis, Hamrick, Handy, Hardin, Herriman, Howell, Jackson, Leviston, Logan, Major, Montgomery, Morgan of Decatur, Parks, Read, Rockhill, and Zenor—26.

So the bill was not indefinitely postponed.

Mr. Montgomery moved to lay the bill upon the table.

Which motion did not prevail.

The bill was then ordered to be engrossed for a third reading.

Mr. Verbribe, from a select committee submitted the following report:

**MR. PRESIDENT:**

The select committee to whom was referred a bill of the House, No. 447, a bill for the relief of the securities of William H. Darnall, late school commissioner of the county of Hendricks, have had the same under consideration, and have directed me to report the same back to the Senate without amendment, and recommend its passage.

On motion, the rules were suspended, and the bill read a third time, and passed.

Mr. Logan moved to reconsider the vote by which the Senate refused to pass,

No. 193. A bill of the Senate for the relief of V. & J. King and others:

The ayes and noes being called for by Messrs. Berry of Franklin, and Herriman,

*Those who voted in the affirmative are,*

Messrs. Akin, Allison, Bowers, Bradbury, Chapman of Daviess, Chapman of Laporte, Chenowith, Coffin, Davis, Ellis, English, Goodenow, Holloway, Jackson, Jones, Leviston, Logan, Miller, Montgomery, Moore, Morgan of Decatur, Morgan of Rush, Murphey, Pomeroy, Reyburn, Todd, Verbribe, and Winchell—28.

*Those who voted in the negative are,*

Messrs. Barbour, Berry of Franklin, Berry of Monroe, Cuppy, Edmonson, Hamer, Hamrick, Hardin, Herriman, Howell, Major, Parks, Read, and Rockhill—15.

So the vote was reconsidered.

Mr. Berry of Franklin, moved that the Senate do now adjourn.

The ayes and noes being demanded by Messrs. Berry of Franklin, and Herriman,

*Those who voted in the affirmative are,*

Messrs. Akin, Berry of Franklin, Edmonson, Hamer, Hamrick, Handy, Henry, Herriman, Howell, Jackson, Logan, Miller, Parks, Read, and Rockhill—15.

*Those who voted in the negative are,*

Messrs. Allison, Berry of Monroe, Bowers, Bradbury, Chapman of Daviess, Chapman of Laporte, Chenowith, Davis, Ellis, English, Goodenow, Hardin, Holloway, Jones, Leviston, Major, Montgomery, Moore, Morgan of Decatur, Morgan of Rush, Murphey, Pomeroy, Reyburn, Todd, Verbribe, and Winchell—26.

So the Senate did not adjourn.

Mr. Berry of Franklin, moved that there be a call of the Senate.

The ayes and noes being called for by Messrs. Berry of Franklin, and Herriman.

*Those who voted in the affirmative are,*

Messrs. Allison, Berry of Franklin, Berry of Monroe, Bowers, Chapman of Daviess, Chapman of Laporte, Coffin, Davis, Edmonson, English, Goodenow, Hamer, Hamrick, Handy, Hardin, Henry, Herriman, Howell, Jackson, Jones, Leviston, Logan, Major, Montgomery, Moore, Morgan of Decatur, Morgan of Rush, Murphey, Parks, Pomeroy, Read, Rockhill, Todd, Verbribe, and Winchell—35.

*Those who voted in the negative are,*

Messrs. Akin, Bradbury, Chenowith, Holloway, and Reyburn—5.

So the call was ordered; after which,

On motion,

The Senate adjourned.



## THURSDAY MORNING, JANUARY 15, 1846.

The Senate assembled.

On motion by Mr. Howell,  
The reading of the journal was dispensed with.

On motion by Mr. Ellis,  
The rules were suspended, and bills on their third reading were taken up.

## HOUSE BILLS.

No. 393. A bill for the divorce of Robert Hemphill of Monroe county;

Read a third time, and passed.

No. 392. A bill for the relief of Indiana Young;

Read a third time, and passed.

No. 428. A bill for the relief of Mary Ann Bruner;

Read a third time and passed.

No. 318. An act relative to apprentices;

Read a third time and passed.

No. 221. An act prescribing the mode of advertising sales of lands mortgaged to the sinking fund;

Read a third time and passed.

No. 76. A bill for the benefit of the inhabitants of township one, north of range ten west;

Read a third time and passed.

## SENATE BILLS ON THEIR SECOND READING.

No. 230. An act for the relief of John Scott and others;

Read a third time and passed.

No. 201. A bill to incorporate the Marion and Wabash railroad company;

Read a third time, and,

On motion by Mr. Winchell,  
The bill was laid upon the table.

No. 113. An act to increase the common school fund;

Read a third time and passed.

No. 160. A bill for the relief of John C. Parker;

Read a third time and passed.

No. 233. An act for the divorce of Cynet Lomax, of Orange county;

Read a third time and passed.

Leave being granted,

Mr. Ellis introduced,

No. 259. A bill legalizing certain sales therein named;

Which was read a first time, and,

On motion by Mr. Ellis,

The rules were suspended, and the bill read a second and third times, and passed.

The Senate then proceeded to the consideration of the special order of the day.

No. 159. A bill to provide for the funded debt of the State of Indiana, and for the completion of the Wabash and Erie canal to Evansville.

Mr. Ellis moved to postpone the consideration of said bill until 2 o'clock, P. M.

The ayes and noes being demanded by Messrs. Ellis and Herriman.

*Those who voted in the affirmative are,*

Messrs. Bowers, Bradbury, Handy, Hardin, Henry, Holloway, Miller, Moore, Morgan of Decatur, Murphey, and Winchell—12.

*Those who voted in the negative are,*

Messrs. Akin, Allison, Barbour, Berry of Franklin, Berry of Monroe, Buell, Chapman of Daviess, Chapman of Laporte, Chenowith, Coffin, Conner, Cuppy, Davis, Edmonson, English, Goodenow, Hamer, Hamrick, Herriman, Howell, Jackson, Jones, Lane, Leviston, Logan, Major, Montgomery, Morgan of Rush, Parks, Pomeroy, Read, Reyburn, Rockhill, Todd, Verbriek, Winchell, and Zenor—36.

So the motion to postpone until 2 o'clock, P. M., did not prevail.

The Senate then resumed the consideration of the said bill.

Mr. Lane, chairman of the committee on canals and internal improvements, made on the 13th inst., the following report:

MR. PRESIDENT:

The committee on canals and internal improvements, to whom was referred a bill of the Senate,

No. 159. A bill to provide for the funded debt of the State of Indiana, and for the completion of the Wabash and Erie canal to Evansville, have had the same under consideration, and have directed me to report the same back to the Senate, with sundry amendments;

Which report and bill were made the special order of the day for the 14th instant, at two o'clock, P. M.



On the 14th the consideration of said bill and amendments, was postponed until 9 o'clock, A. M., this day.

Amend as follows:

SEC. 1. After the word "and" when it last occurs in the 11th line, insert the word "on," and after the word "pay" in the 19th line, insert the word "interest" and after the word "centum" in the 20th line, insert the words "per annum" and after the word "shall" in the 36th line, insert the words "and will."

All of which amendments were adopted.

SEC. 4. After the word "or" where it last occurs in the 3d line, insert the words "his or their."

Which amendment was adopted.

SEC. 6. After the word "interest" in the second line, strike out the words "not herein before provided for" and after the word "interest" in the third line, insert the words "not herein before provided for" and strike out the word "bondholder" in the 16th line, and insert in its place the word "subscribers;" strike out the word "their" in the 17th line and insert "the."

All of which were adopted.

SEC. 7. Strike out "a" where it occurs between "and" and "notice" in the 4th line and insert in its place the word "on."

Which was adopted.

SEC. 8. After the word "amount" in the 58th line, insert the words "of the principal" after the word "assignees" in the 42d line, insert the words "interest at and after the rate of."

Which were adopted.

SEC. 10. After the word "therefor" in the 20th line, insert the following; "They shall call in on said subscription a sum sufficient to insure the completion of said canal within the period herein specified, and not less than six hundred thousand dollars (including said payment of ten per cent.) to be paid within two years from the time said trust takes effect" and after the word "contemplated" in the 39th line, insert the following "and the side cut and basin from station 578 to the bank of Eel river opposite Point Commerce, as surveyed and reported by R. H. Fauntleroy."

Mr. Chapman of Laporte proposed to amend the amendment in section 10 by striking out the words "to be paid within two years from the time said trust takes effect."

Which amendment was not adopted.

On the adoption of the first amendment in said section, (after the word "therefore," and inserting,)

The ayes and noes were called for by Messrs. Buell and Lane; and,

*Those who voted in the affirmative are,*

Messrs. Akin, Allison, Barbour, Berry of Franklin, Berry of Monroe, Bradbury, Chapman of Daviess, Chenowith, Coffin, Conner, Davis, Edmonson, English, Goodenow, Hamer, Hamrick, Herriman, Howell, Jackson, Jones, Lane, Leviston, Miller, Montgomery, Moore, Pomeroy, Read, Reyburn, Rockhill, Todd, Verbribe, and Zenor—32.

*Those who voted in the negative are,*

Messrs. Bowers, Buell, Chapman of Laporte, Ellis, Handy, Herriman, Holloway, Logan, Major, Morgan of Decatur, Morgan of Rush, Murphey, Parks, and Winchell—14.

So the amendment was adopted.

The other amendments in section 10 were adopted.

SEC. 11. After the word "classified," in the 6th line, insert "under the direction and supervision of the Governor." After the word "classes," in the 6th line, insert "taking into view quality and location."

Which were adopted.

SEC. 12. After the word "canal," in the 2d line, insert the words "with interest thereon"; and after the word "refunded," in the 3d line, strike out the words "with all interest and expenses."

Which were adopted.

SEC. 16. After the word "yearly," in the 3d line, insert the words "at the city of New York."

Mr. Buell proposed to amend said 16th section by striking out after the word "yearly," the words "New York," and insert "Indianapolis."

The ayes and noes being demanded by Messrs. Morgan of Decatur and Buell,

*Those who voted in the affirmative are,*

Messrs. Berry of Franklin, Berry of Monroe, Bowers, Bradbury, Buell, Chapman of Laporte, Cuppy, Ellis, Goodenow, Hamer, Handy, Hardin, Henry, Holloway, Jackson, Leviston, Logan, Major, Moore, Morgan of Decatur, Morgan of Rush, Murphey, Parks, Read, Todd, Verbribe, and Winchell—26.

*Those who voted in the negative are,*

Messrs. Akin, Allison, Barbour, Chapman of Daviess, Chenowith, Coffin, Conner, Davis, Edmonson, English, Hamer, Hamrick, Herriman, Howell, Jones, Lane, Miller, Montgomery, Pomeroy, Reyburn, Rockhill, and Zenor—22.



So Mr. Buell's amendment was adopted.

The amendment, as amended, was then adopted.

SEC. 17. Add the following: "Excepting, however, that no sale or conveyance by said trustees of any of the lands to be deeded by them as aforesaid, shall be valid or binding, unless concurred in and the contract of sale or conveyance be signed by the trustees on the part of the State."

Which amendments were adopted.

The committee also proposed the following amendments to the bill:

SEC. 6. After the word "Evansville," in the 13th line, insert, "And all necessary sidecuts, feeders, feeder dams, reservoirs, and all sidecuts which may be hereinafter particularly mentioned."

Which amendments were adopted.

SEC. 8. Also, strike out the word "them," wherever it occurs in the 64th, 65th and 66th lines, and insert in its place the word "it," so that it shall read as follows: "Provided, that if the State at any time hereafter becomes the holder of any of said stock she may at her election deem it to be extinguished, or she may regard it as still outstanding, and be entitled to receive upon it whatever of interest the tolls and revenues of said canal may pay upon it." Also, strike out the word "inclusive," in the 74th and 82d lines, and insert in its place the word "exclusive."

All of which were adopted.

SEC. 9. After the word "them," in the 11th line, insert the following: "And if any one or more of such subscribers shall fail to pay as specified in this section, it shall be lawful for any one or more of the other subscribers to said advance, or others, to pay the same, and such payment shall give to the person or persons so paying the like lien on said canal, its lands and revenues, for the amount so at any time paid, as the original subscribers might have if paid by them; and the trustees appointed under the provisions of this act shall pay to him, her, or them, his, her, or their proper share of the avails thereof." Also, after the word "State," in the 16th line of the same section, insert the following: "And no such failure or any act or omission, or consequence of such failure, act, or omission on the part of the said subscribers to said advance, shall at any time in any manner operate as a pledge of the faith of the State for any sum or sums hereby provided to be paid out of the revenues or lands of said canal; but the execution of the deed as specified in section eight of this act, shall of itself operate as a release of the faith of the State from the payment of any part of such sum, and all other sums and interest except the principal of the stock and the interest of two and one half per cent. per annum, as provided in the first section of this act."

All of which were adopted.

SEC. 12. Strike out the words "by this act authorized to be issued," in the 5th line, and insert in their place the following: "issued by virtue of this act."

Which amendment was adopted.

SEC. 18. Strike out all after the word "works," in the 4th line.

Adopted.

SEC. 22. Strike out the words "for good cause," in the 5th line, and after the word "Governor," in the 6th line, insert the following: "during the vacation of the Legislature, or by the General Assembly when in session, for misconduct, inefficiency, or neglect of duty;" also, add to the section as follows: "during his continuance in office."

All of which were adopted.

Add to the bill the following sections:

"SEC. 23. Said trustees shall have the right to locate and construct such feeders, feeder dams, side-cuts, and reservoirs, as may be necessary to supply said canal with water, and may take such timber, stone, or other materials as may be necessary for the construction of said canal, by making to the proper owners reasonable compensation therefor, on the same terms and in the same manner as the superintendent of said canal is now authorized by law to do; and the word "canal" wherever used in this act, shall be construed to mean and include all its feeders, feeder dams, side-cuts, and reservoirs."

Which was adopted.

"SEC. 24. Every person who shall wilfully and maliciously injure or destroy any lock, culvert, or embankment of said canal, or shall wilfully or maliciously make any aperture or breach in any embankment of said canal with intent to injure or destroy the same, shall, on conviction, be punished by imprisonment in the State Prison at hard labor not more than five years, or by fine not exceeding five hundred dollars and imprisonment in the county jail not more than two years; and shall be moreover liable to said trustees for the damages occasioned thereby, which damages, when recovered, shall be considered as a part of the revenues of said canal, and applied accordingly."

Mr. Herriman proposed to amend the said section 24 by striking out the words, "and imprisonment in the county jail not more than two years;"

Which amendment was adopted;

And the section, as amended, was adopted.

"SEC. 25. The time of final payment on all sales of Wabash and Erie canal lands heretofore made, shall, upon the request of the holder of any certificate of purchase, be extended for the term of five years from and after the time when the same shall fall due:



*Provided, however, That the interest shall be paid annually in advance, as now required by law."*

Which was adopted.

"SEC. 26. The State may at any time file her bill in chancery in the Marion or any other circuit court in the State, against said trustees, to enjoin them from any violation of said trust, and also to compel them to execute the same."

Which was adopted.

"SEC. 27. Should either of the said trustees, or any officer or agent appointed by them, embezzle with intent so to convert to his own use, any of the funds, moneys, choses in actions, securities or effects which may come into his hands or possession by this act, the trustee, officer or agent so offending shall be deemed to have committed the crime of grand larceny, and, upon conviction thereof, shall suffer the punishment prescribed for that offence in the fifteenth section of article first, chapter fifty-three, of the Revised Statutes of 1843."

Which was adopted.

"SEC. 28. The capacity of that portion of said canal yet to be finished shall be the same as established and provided in the original and late surveys; and said trustees shall cause to be constructed and kept in repair on the entire line of the canal, suitable bridges over all State and county roads crossing the same, in the same manner as is now required on the line of said canal east of Tippecanoe."

Which was adopted.

"SEC. 29. Said canal finished and to be finished, shall be deemed and taken to be a public highway, and shall be free to all persons whomsoever to pass and repass with their boats or other water crafts, and with their produce, goods and chattels, wares and merchandize, such persons conforming to such uniform rules and regulations, and paying such uniform tolls as may be established and required."

Which was adopted.

"SEC. 30. Said trustees shall establish at least one land office for the sale of said canal lands at some convenient point on the line of said canal, and they shall also keep an office at some convenient point in the State for the transaction of all business connected with their said trust."

Mr. Chapman of Laporte proposed to amend said section 30 as follows:

"Said trustees shall establish at least one land office for the sale of said canal lands, at some convenient point on or near the line of said canal, between the towns of Lafayette and Wabashtown and also, at least one office for the sale of said lands at some convenient point on or near the line of said canal, between the towns of Terre Haute and Evansville."

Which amendment was adopted;

And the section, as amended, was then adopted.

"SEC. 31. It shall be the duty of the said trustees to return to the Auditor of State on or before the first day of November, in each year, a list of lands sold by them by virtue of their trust."

Which was adopted.

"SEC. 32. This act shall take effect and be in force as soon as the subscription mentioned in section six shall be made, and ten per cent. thereon paid to the trustees elected as provided in section seven of this act, and not before."

On the adoption of said section 32, as an amendment,

The ayes and noes were demanded by Messrs. Herriman and Chapman of Laporte; and,

*Those who voted in the affirmative are,*

Messrs. Akin, Allison, Barbour, Berry of Monroe, Bowers, Bradbury, Buell, Chapman of Daviess, Chapman of Laporte, Chenowith, Coffin, Conner, Cuppy, Davis, Edmonson, English, Goodenow, Handy, Henry, Holloway, Howell, Jackson, Major, Miller, Montgomery, Moore, Morgan of Decatur, Parks, Pomeroy, Read, Reyburn, Rockhill, Todd, Winchell, and Zenor—35.

*Those who voted in the negative are,*

Messrs. Ellis, Hamer, Hamrick, Hardin, Herriman, Jones, Lane, Leviston, Logan, Morgan of Rush, and Murphey—11.

So the amendment was adopted.

Mr. Hamer then proposed to amend the bill as follows:  
Add the following section:

SEC. —. That the State reserves the right to make or let companies make railroads in and through the counties through which said canal passes; and also, to improve the navigation of the Wabash and its tributaries by slack-water or otherwise, and if deemed conducive to public good to construct a steamboat canal connecting said river with waters of Lake Erie.

Which amendment was not adopted.

Mr. Montgomery proposed to amend the bill as follows:

It shall be optional with the State, at any time hereafter, to call in and require a surrender of the outstanding stock issued under the first section of this act, by giving to the holder of such stock a new certificate for the one half of the principal thereof, to bear an interest at and after the rate of five per cent. per annum; and which principal and interest shall be payable and redeemable by the State out of the revenues thereof. The principal to be payable at the



pleasure of the State, and by giving to such holder another certificate for the other half of the principal of such stock, to bear a like interest of five per cent. per annum, and to be paid and redeemed, and only paid and redeemed out of said canal lands and the tolls and revenues of said canal, as provided in the eighth section of this act. And from and after the time that the State shall call in said stock, issued under the first section of this act, and shall issue new certificates as aforesaid; the State, its faith, and revenues shall be only pledged and responsible for the payment of the one half of said principal and interest, at the rate of five per cent per annum; and for the other half of said principal and interest the holders of said certificates shall look solely and exclusively to said canal lands and the tolls and revenues of said canal, as provided in the eighth section of this act: *Provided however*, That the State shall have the option of redeeming said canal certificates out of the revenues of said State in the same manner as if this section were not adopted: *And provided further*, That the excess of the revenues of said canal lands and tolls and revenues of said canal overpaying said interest of five per cent. per annum on said canal stock (if any there be) shall be applied to the redemption and absolute retirement of said canal stocks.

Pending which,

On motion by Mr. Lane,

The consideration of the bill and pending amendments was postponed until three o'clock, P. M.

Leave being granted,

Mr. Buell introduced,

No. 260. A bill in relation to damages on sinking fund sales;

Which was read a first time,

On motion by Mr. Buell,

The rules were suspended, and the bill read a second and third times, and passed.

Leave being granted,

Mr. Chapman of Laporte introduced,

No. 261. A bill to divorce Maria Heretage, late Maria Miller, from her husband, Joseph Heretage, late of Vigo county;

Which was read a first time,

On motion by Mr. Chapman of Laporte,

The rules were suspended, and the bill read a second and third times, and passed.

Leave being granted,

Mr. Winchell introduced,

No. 262. A bill authorizing the county surveyor of Grant county to take acknowledgments of deeds, mortgages, and powers of attorney;

Which was read a first and second times, the rules being suspended, and referred to the committee on the judiciary.

Leave being granted,

Mr. Moore, from a select committee, made the following report:

MR. PRESIDENT:

The select committee to whom was referred the petition of J. Wilson and others, of Montgomery county, have had the same under consideration, and have directed me to report the following bill, and recommend its passage:

No. 263. A bill to amend an act entitled "An act relative to licensing groceries in the counties of Carroll and Cass," approved January 31, 1842;

Which was read a first time,

On motion by Mr. Moore,

The rules were suspended, and the bill read a second and third times, and passed.

Mr. Murphey, from the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred bill No. 372, of the House, entitled "An act to repeal certain acts therein named," have had the same under consideration, and have directed me to report it back to the Senate, and recommend its indefinite postponement.

Which report was concurred in, and the bill indefinitely postponed.

Mr. Murphey, from the committee on the judiciary, submitted the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred bill No. 350, of the House, entitled "An act for the relief of Thomas Daniels and William Daniels, executors of James Daniels, deceased," have had the same under consideration, and have directed me to report it back to the Senate, and recommend its passage.

On motion,

The rules were suspended, and the bill read a third time, and passed.

Mr. Murphey, from the committee on the judiciary, made the following report:



MR. PRESIDENT:

The committee on the judiciary, to whom was referred the petition of Jason Hutson and others, citizens of Delaware county, praying that a portion of range eight in said county may be attached to Madison county, have had the same under consideration, and have directed me to report it back to the Senate, and ask that it lie on the table.

Which report was concurred in.

Mr. Ellis, from the committee on the judiciary, submitted the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred House bill No. 371, "for the relief of E. J. Peck," have had the same under consideration, have instructed me to report the same back to the Senate, and recommend its passage.

On motion,

The rules were suspended, and the bill read a third time, and passed.

Mr. Davis, from the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred bill of the House No. 307, entitled "An act to amend the 4th article, chapter 7, of the Revised Statutes of 1843, and for other purposes," have had the same under consideration, and have directed me to report said bill back to the Senate, and recommend its passage.

On motion,

The rules were suspended, and the bill read a third time, and passed.

Mr. Logan, from the committee on the judiciary, submitted the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred bill of the House No. 323, entitled "A bill to require certain statutes to be published in some newspaper at Indianapolis, and for other purposes," have had the same under their consideration, and have directed me to report the same back to the Senate, and recommend its passage.

On motion,

The rules were suspended, and the bill read a third time, and passed.

Mr. Pomeroy, from the committee on the judiciary, submitted the following report:

MR. PRESIDENT:

The judiciary committee, to whom was referred a bill, No. 241, entitled "An act for the relief of Henry Chase of Cass county," have had the same under consideration, and unanimously instructed me to report the following as a substitute, and recommend its passage:

No. 241. A bill for the relief of Henry Chase of Cass county;

Which report was concurred in, and the amendment adopted.

On motion by Mr. Pomeroy,

The rules were suspended, and the bill read a third time, and passed.

Mr. Winchell, from the committee on the judiciary, submitted the following report:

MR. PRESIDENT:

The judiciary committee, to whom was referred Senate bill No. 243, entitled "An act to amend the 5th article of the 48th chapter of the Revised Statutes of 1843, regulating the issuing of writs of *ad quod damnum*," have had the same under consideration and directed me to report the same back to the Senate, and ask that it be laid on the table.

Which report was concurred in.

Mr. Rockhill, chairman of the committee on elections, made the following report:

MR. PRESIDENT:

The committee on elections, to whom was referred bill of the House No. 66, entitled "An act to establish an additional place of holding elections in Jackson township, Washington county," have had that subject under consideration, and have directed me to report the same back to the Senate, and recommend its indefinite postponement.

Which report was concurred in, and the bill accordingly indefinitely postponed.



Mr. Barbour, from the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred bill of the House No. 333, entitled "An act to declare a misprint in a certain case," have had the same under consideration, and have instructed me to report the same back, and recommend its passage.

On motion by Mr. Barbour,  
The rules were suspended, and the bill read a third time, and passed.

Mr. Chapman of Laporte, chairman of the committee on the judiciary, submitted the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred bill of the Senate No. 3, an act to authorize the holding special terms of the circuit court in the 12th judicial circuit, together with the amendment of the House thereto, have had the same under consideration, and have directed me to report the same back, and recommend that the Senate refuse to concur in the amendment of the House.

Which report was concurred in.

Mr. Henry, from the committee on the judiciary, submitted the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred bill of the Ho. 412, an act for the relief of John Patterson of Boone county, have had that subject under consideration, and have directed me to report said bill back to the Senate, and recommend its passage.

On motion by Mr. Conner,  
The rules were suspended, and the bill read a third time, and passed.

Mr. Henry, from the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred bill of the House No. 357, an act to amend section 27, chapter 7, Revised Statutes of 1843, in relation to allowances to sheriffs by county boards,

have directed me to report the said bill back to the Senate, and recommend its passage.

On motion,  
The rules were suspended, and the bill read a third time, and passed.

Mr. Berry of Monroe, from the committee on education, submitted the following report:

MR. PRESIDENT:

The committee on education, to whom was referred bill of the House of Representatives No. 373, entitled "An act for the relief of James S. Mays, late school commissioner of Knox county," have had the subject matter therein contained under consideration, and have directed me to report the bill back to the Senate, and recommend its passage.

On motion by Mr. Akin,  
The rules were suspended, and the bill read a third time, and passed.

Mr. Todd, chairman of the committee on education, submitted the following report:

MR. PRESIDENT:

The committee on education, to whom was referred bill of the Senate No. 226, entitled "An act amendatory of the act entitled 'An act relative to the appointment of county commissioners of the several counties in this State to act as boards of library trustees in their respective counties, and for other purposes,'" approved January 6, 1845, have had that subject and bill under consideration, and have directed me to report the bill back to the Senate, and respectfully recommend its passage.

The rules were suspended, and the bill read a third time, and passed.

Mr. Logan, chairman of the committee on claims, made the following report:

MR. PRESIDENT:

The committee on claims, to whom was referred a bill of the House of Representatives, No. 319, entitled, "A bill for the payment to Mary Wood and others of damages recovered by them against the State for injury to their lands by the construction of the Jeffersonville and Crawfordsville road," have had the same under consideration.



ration, and a majority of the committee have directed me to report the same back to the Senate and recommend its passage.

On motion by Mr. Logan,

The rules were then suspended and the bill read a third time and passed.

Mr. Miller, from the committee on education, [made the following report:

MR. PRESIDENT:

The committee on education, to whom was referred a bill of the House No. 375, to authorize and permit John Carter to relinquish a part of certain saline lands in Brown county, have had the same under consideration, and they have instructed me to report the same back to the Senate and recommend its indefinite postponement.

Which report was concurred in, and the bill accordingly indefinitely postponed.

Mr. Edmonson, chairman of the committee on corporations, made the following report:

MR. PRESIDENT:

The committee on corporations, to whom was referred bill of the House No. 365, have had the same under consideration, and have directed me to report the same back to the Senate, with one amendment, and on its adoption, to recommend its passage:

"Amend by striking out the thirteenth and fourteenth sections."

Pending which,

On motion,

The Senate adjourned.

2 o'clock, P. M.

The Senate met,

And proceeded to the consideration of the orders of the day.

#### BILLS ON SECOND READING.

No. 394. A bill (of the House) making general appropriations for the year 1846;

Read a second time, and,

On motion by Mr. Akin,

Referred to the committee on finance.

No. 249. A bill (of the Senate) for the relief of Theodore K., Ann Maria, and Charlotte Brackenridge, heirs of George W. Brackenridge;

Read a second and third times, the rules being suspended, and passed.

No. 381. A bill (of the House) to divorce Arthur E. Williams;

Read a second and third times, the rules being suspended, and passed.

No. 314. A bill (of the House) to subject certain lands to taxation;

Read a second and third times, the rules being suspended, and passed.

No. 404. A bill (of the House) for the relief of Jacob Whisler;

Read a second and third times, the rules being suspended, and passed.

No. 390. A bill (of the House) for the relief of Henry D. Smith;

Read a second and third times, the rules being suspended, and passed.

The following message was received from the House of Representatives by Mr. Kinder, their Clerk:

MR. PRESIDENT:

The House of Representatives have passed the following resolution:

*Resolved*, That this House will, the Senate concurring therein, go into the election of State Agent to-morrow, Friday, at half past six o'clock, P. M.;

In which the concurrence of the Senate is respectfully requested.

Mr. Chapman of Laporte moved to reciprocate the resolution with the following amendment:

Strike out "half past six," and insert "seven."

Which amendment was adopted.

Mr. Morgan of Decatur moved to lay the resolution upon the table;

Which motion did not prevail.

The resolution, as amended, was then reciprocated.

No. 193. A bill (of the Senate) for the relief of V. & J. King and others;

Read a third time.

On the passage of the bill,

The ayes and noes being demanded by Messrs. Edmonson and Herriman,



*Those who voted in the affirmative are,*

Messrs. Akin, Allison, Barbour, Bowers, Bradbury, Buell, Chapman of Daviess, Chapman of Laporte, Chenowith, Coffin, Conner, Cuppy, Davis, Ellis, English, Goodenow, Hamer, Henry, Holloway, Howell, Jones, Lane, Major, Montgomery, Moore, Morgan of Decatur, Morgan of Rush, Murphey, Pomeroy, Reyburn, Rockhill, Todd, Verbriek, Winchell, and Zenor—35.

*Those who voted in the negative are,*

Messrs. Berry of Franklin, Berry of Monroe, Edmonson, Handy, Hardin, Herriman, Jackson, Logan, Parks, and Read—10.

So the bill was passed.

Mr. Berry of Franklin proposed to amend the title of the bill as follows:

"An act to authorize Victor King and others to speculate at the expense of the tax-payers of Indiana."

Which amendment was not adopted.

A message from the House of Representatives, by Mr. Kinder, their Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House insist on their disagreement to the amendment of the Senate to bill of the House,

No. 73. An act to provide for the reappraisalment of real estate heretofore appraised and subject to taxation;

And have appointed Messrs. Thompson and Stanfield a committee of free conference on the part of the House, to take into consideration the disagreement of the two Houses.

The President appointed Messrs. Herriman and Chapman of Laporte a committee of free conference on the part of the Senate.

Leave being granted,

Mr. Jones introduced,

No. 264. A bill in relation to the canal scrip issued for the completion of the Wabash and Erie canal west of Lafayette;

Which was read a first time.

On motion by Mr. Jones,

The rules were suspended and the bill read a second and third times, and passed.

Leave being granted,

Mr. Handy, from a select committee, submitted the following report:

MR. PRESIDENT:

The select committee to whom was referred bill of the House No. 445, entitled, "An act to incorporate the Knightstown and Shelbyville Railroad Company," have had the same under consideration, and have directed me to report it back to the Senate, with sundry amendments, and when so amended, recommend its passage:

Amend the bill as follows:

SEC. 1. Amend by inserting in the proper place, "John Wolf and John Haskitt, of Hancock county, and Jonathan Johnson and Stephen Ludlow, of Shelby county."

SEC. 16. Second line.

Strike out "two" and insert "four."

SEC. 22. Strike out of the 5th line, "twelve months," and insert "two years."

SEC.—If the directors of said company shall contract any debts for labor upon said road, which shall not be paid when due, by the company in its corporate capacity, they shall be liable for the payment of all such dues.

Which report was concurred in, and the amendments adopted.

On motion by Mr. Handy,

The rules were suspended, and the bill as amended, was read a third time and passed.

Leave being granted,

Mr. Montgomery introduced,

No. 265. A bill for the relief of Adam Firebaugh;

Which was read a first time.

On motion by Mr. Montgomery,

The rules were suspended, and the bill read a second and third times, and passed.

Leave being granted,

Mr. Berry of Franklin, from the committee on corporations, made the following report:

MR. PRESIDENT:

The committee on corporations to whom was referred a bill entitled "A bill supplementary to an act entitled An act to incorporate the South Bend Manufacturing Company, approved December 28, 1842," have had that subject under consideration and they find the original act to which this is an amendment, properly guarded, by the stockholders being individually liable for their debts, and the right to amend its provisions whenever necessary, reserved to the



General Assembly; therefore, they directed me to report it back to the Senate and recommend its passage.

On motion,

The rules were suspended, and the bill read a third time and passed.

Leave being granted,

Mr. Cuppy, from a select committee, submitted the following report:

MR. PRESIDENT:

The select committee to whom was referred a joint resolution (of the House) No. 352, entitled "A joint resolution in relation to the Buffalo and Mississippi railroad," have had that subject under consideration, and have directed me to report the same back to the Senate, and recommend its passage.

On motion by Mr. Herriman,

The rules were suspended, and the joint resolution read a third time and passed.

Mr. Akin, from the committee on corporations, submitted the following report:

MR. PRESIDENT:

The committee on corporations to whom was referred bill (of the House) No. 460, entitled "A bill to incorporate the Madison and Napoleon turnpike company," have had the same under consideration, and have made sundry amendments thereto, which when adopted, they recommend its passage.

"No. 1. Amend first section by striking out Read C., and insert after the name of Stephen Andrews, the name of John Hunter."

No. 2. In section 2, after the word road, in the third line, insert, "or upon any other route."

Insert in the proper place the following:

"SEC.— That in all cases where any person through whose land said road may run, shall refuse to relinquish the same, or where a contract between the parties cannot be made for the land or materials, it shall be lawful for the president and trustees to give notice to some justice of the peace in the county where such difficulty may occur that such facts do exist, and such justice shall thereupon summon the owner of such land or materials to appear before him on a particular day, within ten days thereafter, and shall also cause to be summoned twelve disinterested persons, and cause them to come before him, who after being legally tried and sworn as jurors faithfully and impartially to assess the damages if any, shall proceed to

hear the testimony, and view the land or materials, and after having taken into consideration the advantages as well as disadvantages the road may be to the same, report thereon in writing, whether such person is entitled to damages or not; and if so, how much, which report shall be filed with such justice, who shall enter judgment thereon, unless for good cause shown; and in case either party show good cause why judgment shall not be entered, the justice may grant a review of the same, either with or without costs; provided that either may at their option appeal the same to the circuit court of the proper county, as in other cases, and such court shall appoint viewers as above directed, who may report to that, or the succeeding term in the discretion of the court, and the judgment of the circuit court shall be final between the parties.

"That the stockholders in this corporation shall be liable in a just ratio or proportion of their amount of stock held or subscribed for all debts incurred or created during their said possession of said stock, and in case of sale or transfer of said stock from the original subscription, it shall not release the original subscriber in his just proportion from any debt or debts incurred or created during his, her, or their possession of said stock.

"This act shall be subject to repeal or amendment at the pleasure of the legislature."

Which report was concurred in, and the amendments adopted.

The rules were suspended, and the bill as amended, read a third time and passed.

Leave being granted,

Mr. Buell, from a select committee, made the following report:

MR. PRESIDENT:

The select committee report back bill No. 427, (of the House) with one amendment, on the adoption of which, they recommend its passage.

Amend as follows:

Strike out from the enacting clause and insert the following:

"That it shall be lawful for the corporate authorities of the city of Lawrenceburgh to assess or collect a corporation tax for city purposes, from any cornfield, in size of twenty acres and over, within said corporate limits, that has been and still is kept exclusively to raise corn on."

Which report was concurred in, and the amendment adopted.

The rules were then suspended, and the bill, as amended, read a third time and passed.

Leave being granted,

Mr. Major, from a select committee, submitted the following report:



Mr. PRESIDENT :

The select committee to whom was referred a bill of the House, No. 414, entitled, "An act relative to supervisors in the counties of Carroll and Clinton," have, according to order, had that subject under consideration, and have directed me to report the same back to the Senate, without amendment, and respectfully recommend its passage.

On motion by Mr. Major,  
The rules were suspended, and the bill read a third time and passed.

A message from his Excellency the Governor, by Mr. Powers:

Mr. PRESIDENT :

I am directed by his Excellency the Governor to inform the Senate that he has this day approved and signed:

No. 115. An act to repeal the corporation law, so far as Lexington is concerned;

No. 43. An act in relation to taking up estrays;

No. 65. An act for the relief of Thomas Murphy;

No. 134. An act vacating a part of Howard street and certain alleys in West Richmond;

No. 94. An act to amend an act entitled, "An act to incorporate the Dearborn County Cotton Manufacturing Company, and for other purposes," approved February 11, 1843;

No. 36. An act to vacate part of a State road in Franklin county;

No. 133. An act for the relief of Isaac Cowan and George Coonrod;

No. 121. An act to establish a State road in Scott county;

No. 22. An act for the relief of settlers upon the Wabash and Erie canal lands;

No. 111. An act establishing an additional place of holding elections in Bartholomew county;

No. 116. An act to authorize the people of Fayette and other counties therein named to elect their seminary trustees;

No. 127. An act to vacate a certain alley in the town of Plymouth;

No. 102. An act for the relief of Absalom Paynter, of Henry county;

No. 204. An act for the relief of William Starks;

No. 152. An act to divorce Cynthia Devault from William W. Devault, her husband; and, also, Blista Ann Huffman from her husband, Jacob Huffman;

No. 119. An act to provide for the continuation of the Madison and Indianapolis railroad to Pendleton, Huntsville, and Anderson-town.

No. 212. An act to authorize the board doing county business in the county of Scott to adjust the accounts of Jacob A. Jackson, late treasurer of said county;

No. 28. An act to incorporate the Rising Sun Manufacturing Company.

And, also, that on yesterday he approved and signed:

No. 132. An act relative to leveeing the Wabash river on Shaker prairie;

No. 120. An act to prohibit the county court of Scott county from levying a tax therein named;

No. 123. An act to amend an act entitled, "An act to provide for erecting a bridge across Laughery creek, in Ripley county," approved January 8, 1845;

All of which originated in the Senate.

The Senate then, according to order, resumed the consideration of bill of the Senate

No. 159. A bill to provide for the funded debt of the State of Indiana, and for the completion of the Wabash and Erie canal to Evansville.

An amendment, offered by Mr. Montgomery, was pending when the bill was under consideration this forenoon.

Mr. Buell then presented the following amendment to the bill:

"*Provided*, That until there is surrendered and cancelled bonds of the State to the amount of one half of all the bonds outstanding, (except bank bonds,) it shall not be lawful for the Governor to convey by deed the Wabash and Erie canal, its lands, tolls, &c., as provided in section eight of this act: *Provided, further*, That the acceptance, (as provided in section eleven of this act,) of a grant of lands made by the General Government, by the act entitled, "An act to grant certain lands to the State of Indiana, the better to enable the said State to extend and complete the Wabash and Erie canal from Terre Haute to the Ohio river," shall not be construed to make it obligatory on the State, at any time hereafter, to complete said Wabash and Erie canal out of its revenues derived from taxation."

Pending which,

The following message was received from the House of Representatives, by Hon. Dennis Pennington, a member:

Mr. PRESIDENT :

I am instructed by the House of Representatives to inform the Senate that the House of Representatives have passed engrossed bill thereof:

No. 362. A bill to provide for the funded debt of the State of Indiana, and for the completion of the Wabash and Erie canal to Evansville;

In which the concurrence of the Senate is respectfully requested.



Mr. Herriman then moved to lay the bill of the Senate and pending amendments upon the table.

The ayes and noes being demanded by Messrs. Herriman and Buell,

*Those who voted in the affirmative are,*

Messrs. Akin, Allison, Barbour, Berry of Franklin, Berry of Monroe, Chapman of Daviess, Chenowith, Coffin, Davis, Edmonson, English, Hamrick, Herriman, Howell, Jackson, Jones, Lane, Miller, Montgomery, Pomeroy, Read, Reyburn, Rockhill, Todd, Verbribe, and Zenor—26.

*Those who voted in the negative are,*

Messrs. Bowers, Bradbury, Buell, Chapman of Laporte, Cuppy, Ellis, Goodenow, Hamer, Handy, Hardin, Henry, Holloway, Leviston, Logan, Major, Moore, Morgan of Decatur, Morgan of Rush, Murphey, Parks, and Winchell—21.

So the bill and amendments were laid upon the table.

On motion by Mr. Lane,

The bill of the House, upon the same subject, was taken up and read.

After which,

On motion,

The Senate adjourned.

#### FRIDAY MORNING, JANUARY 16, 1846.

The Senate assembled.

The Journal of the preceding day was read.

Mr. Conner moved to take from the table, No. 153. A bill (of the Senate) fixing a certain annual compensation to the auditor of Boone county;

On motion by Mr. Conner,

The House amendment to said bill was concurred in.

On motion by Mr. Ellis,

The rules were suspended, and the House bill, No. 365, was taken from the files.

An amendment proposed by the committee on corporations—"strike out the 13th and 14th sections," was pending yesterday at the adjournment at 12 o'clock, M.

Mr. Ellis moved to concur in the amendment of the committee, with an amendment, "providing that the expense be paid by the county of Knox, and so far as said road passes through Daviess county, yet to be located, it shall be at the expense of said Daviess county."

Which motion prevailed.

The rules were then suspended, and the bill, as amended, was read a third time, and passed.

Mr. Handy, from the committee on corporations, submitted the following report:

MR. PRESIDENT:

The committee on corporations, to whom was referred bill of the House, No. 409, entitled "An act declaratory of an act to amend an act entitled 'An act authorizing Joseph Quinn and James Norvell to erect a toll bridge,'" approved January 13th, 1845, have had the same under consideration, and have directed me to report it back to the Senate, and recommend its passage.

On motion by Mr. Handy,

The rules were suspended, and the bill read a third time, and passed.

Mr. Handy, from the committee on corporations, made the following report:

MR. PRESIDENT:

The committee on corporations, to whom was referred bill of the House, No. 297, entitled "An act to incorporate the Greenfield and Shelbyville railroad company," have had the same under consideration, and have directed me to report it back with sundry amendments, and when so amended, recommend its passage.

Amend as follows:

Add to the twenty-second section—

"Or when its franchises may prove oppressive to the counties through which said road shall run, or when public good may require."

"SEC. —. That the directors are liable in their individual capacity for work done on said road over and above the amount of capital stock subscribed."

Strike out of the sixth section—



"Which said real estate shall be exempt from any taxation whatever."

Which report was concurred in, and the amendments adopted.

The bill, as amended, was then read a third time, the rules being suspended, and passed.

Mr. Edmonson, chairman of the committee on corporations, made the following report:

MR. PRESIDENT:

The committee on corporations, to whom was referred bill of the House, 282, have had the same under consideration, and find the necessary checks and guards therein contained, and directed me to report the same back to the Senate, and recommend its passage.

On motion by Mr. Edmonson,

The rules were suspended, and the bill read a third time, and passed.

Mr. Verbriek, from the committee on corporations, made the following report:

MR. PRESIDENT:

The committee on corporations, to whom was referred bill No. 389, of the House, "A bill to provide for a free turnpike road in Steuben county," have had the same under consideration, and have directed me to report the same back without amendment, and recommend its passage.

On motion by Mr. Herriman,

The rules were suspended, and the bill read a third time, and passed.

Leave being granted,

Mr. Hamrick, from the committee on roads, submitted the following report:

MR. PRESIDENT:

The committee on roads, to whom was referred a resolution of the Senate enquiring into the expediency of amending the road law, have had the same under consideration, and directed me to report that it is inexpedient to legislate on that subject at this time.

Which report was concurred in.

Mr. Goodenow, from the committee on finance, made the following report:

MR. PRESIDENT:

The committee on finance, to whom was referred the petition of sundry citizens of Madison county, praying the passage of a law permitting them to elect assessors and treasurers in each township, have had the same under consideration, and have directed me to report that in the opinion of the committee it is inexpedient to legislate on that subject.

Which report was concurred in.

Mr. Cuppy, from the committee on roads, submitted the following report:

MR. PRESIDENT:

The committee on roads, to whom was referred a bill of the Senate, No. 179, entitled "A bill to amend the 109th section of the 16th chapter of the Revised Statutes of 1843, on the subject of the road tax," have had the same under consideration, and have directed me to report the same back to the Senate without amendment, and recommend its passage.

On motion,

The rules were suspended, and the bill read a third time, and passed.

Mr. Goodenow, chairman of the committee on roads, made the following report:

MR. PRESIDENT:

The committee on roads, to whom was referred the petition of sundry citizens of Jefferson county, praying the repeal of an act changing the location of a certain State road in said county, have, according to order, had the matter under consideration, and have directed me to report that in their opinion there is not at this late period of the session, sufficient time for legislative action on the subject, and therefore ask to be discharged from the further consideration of the same.

Which report was concurred in.

Mr. Goodenow, chairman of the committee on roads, made the following report:

MR. PRESIDENT:

The committee on roads, to whom was referred bill of the House, No. 347, entitled "An act to amend the law regulating the duties of



supervisors of roads," have, according to order, had the same under consideration, and have directed me to report the bill back to the Senate, and recommend its passage.

On motion by Mr. Goodenow,  
The rules were suspended, and the bill read a third time, and passed.

Mr. Rockhill, from a select committee, submitted the following report:

MR. PRESIDENT:

The select committee to whom was referred the petition of sundry citizens of Allen county, praying that each township shall be required to support its own poor, have had that subject under consideration, and have directed me to report the following bill, and recommend its passage:

No. 266. A bill to provide for the support of paupers in Allen county;

Which was read a first time.

On motion by Mr. Rockhill,

The rules were suspended, and the bill read a second and third times, and passed.

The following messages from the House of Representatives were then taken up:

MR. PRESIDENT:

I have been directed to inform the Senate, that the House have passed the following bill of the Senate:

No. 161. An act providing for the better payment of the mortgages due the University funds;

With amendments thereto;

In which the concurrence of the Senate is respectfully requested.

On motion,

The amendments of the House were concurred in by the Senate.

MR. PRESIDENT:

The House have passed the following bill thereof:

No. 458. An act authorizing a settlement with Spears and Case for work done on the side cut at Delphi, in Carroll county;

In which the concurrence of the Senate is respectfully requested.

The said bill was read a first time.

On motion by Mr. Orth,  
The rules were suspended, and the bill read a second and third times, and passed.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House have passed the following engrossed bill thereof:

No. 402. An act for the relief of Rufus A. Lockwood;

In which the concurrence of the Senate is respectfully requested.

The said bill was read a first time.

On motion by Mr. Orth,

The rules were suspended, and the bill read a second and third times, and passed.

Leave being granted,

Mr. Morgan of Decatur, from the committee on claims, submitted the following report:

MR. PRESIDENT:

The committee on claims, to whom was referred bill of the Senate No. 244, entitled "An act to appoint commissioners to assess damages in a certain case therein named," have had the same under consideration, and directed me to report the same back to the Senate for its action, and ask to be discharged from the further consideration thereof.

The bill was then read a third time, the rules being suspended, and passed.

Mr. Buell moved to reconsider the vote by which was passed, No. 86. A bill (of the Senate) in relation to making issue terms in Dearborn county;

Which motion prevailed.

On motion by Mr. Buell,

The said bill was then laid upon the table.

On motion by Mr. Buell,

The vote was reconsidered by which was passed,

No. 143. A bill (of the Senate) to apportion Senators and Representatives for the next five years, limiting the number of Senators to thirty-seven, and Representatives to seventy-four;

On motion by Mr. Buell,

The bill was then laid upon the table.

Leave being granted,

Mr. Edmonson offered the following resolution:



*Resolved*, That the committee on the judiciary be requested to report to the Senate *instantly*, a bill of the House authorizing the people of this State to vote for a convention to amend the constitution.

Which resolution was adopted.

A message from the House of Representatives:

MR. PRESIDENT:

I am directed by the House to inform the Senate that the House have passed the following engrossed bill of the Senate, without amendment:

No. 163. An act leasing the Indiana State Prison, and for other purposes;

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House have passed engrossed bill of the Senate,

No. 233. An act to divorce Cyrus Lomax, of Orange county.

MR. PRESIDENT:

I am instructed by the House of Representatives to inform the Senate that the House have passed the following engrossed bills of the Senate, without amendment:

No. 93. An act relative to the water power at Northport, in Noble county;

No. 220. An act repealing a part of an act entitled "An act declaring the Mississinewa river a public highway," approved January 13, 1844.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House have concurred in the amendment of the Senate to the resolution of the House in relation to the election of State Agent, striking out 6½ and inserting 7 o'clock.

The Senate then proceeded to the consideration of the orders of the day:

No. 362. A bill (of the House) to provide for the funded debt of the State of Indiana, and for the completion of the Wabash and Erie canal to Evansville;

Mr. Buell proposed the following amendment to the bill:

"*Provided*, That until bonds shall be surrendered and cancelled under the provisions of the first section of this act, equal to one half

of all the outstanding bonds of the State of Indiana (except bank bonds) and certificates of stock issued in lieu thereof, payable solely both principal and interest, out of the proceeds of the canal and canal lands, and for the payment of which the State of Indiana shall in nowise be liable in any event.

"It shall not be lawful for the Governor to execute or deliver to the trustees contemplated by the provisions of this act, or to any other person, the conveyance for the Wabash and Erie canal or for the proceeds thereof, or the lands granted for the construction thereof as provided in this act.

"*Provided further*, That the acceptance of a grant of land made by the United States to the State of Indiana, for the construction of said canal from Terre Haute to the Ohio river, as provided for in this act, shall not be construed to make it obligatory on said State of Indiana, at any time hereafter, to complete said canal out of any revenues derived from taxation."

Mr. Lane proposed to amend the amendments as follows:

SEC. 6. Fourteenth line, after the word "act," insert "and upon surrendering bonds not less in amount than four millions of dollars, exclusive of interest."

SEC. 7. First line, amend by inserting after the word "subscribed," "and bonds not less than four millions of dollars in amount shall have been actually surrendered, under the provisions of this act."

Which, after some discussion,

Was withdrawn by Mr. Lane.

Mr. English then proposed to amend Mr. Buell's amendment as follows:

Strike out "one half of all the bonds," and insert "ten millions of dollars in bonds."

Which, after some discussion,

Was withdrawn by Mr. English.

Mr. Coffin then proposed the following amendment to Mr. Buell's amendment.

"*Provided*, That until there is surrendered and cancelled bonds of the State to the amount of one half of all outstanding (except bank bonds) it shall not be lawful for the Governor to convey by deed the Wabash and Erie canal, its lands, tolls, &c., as provided in the 8th section of this act:

"*Provided further*, That the acceptance, as provided in the 11th section of this act, of a grant of land made by the General Government by the act "to grant certain lands to the State of Indiana, the better to enable the said State to extend and complete the Wabash and Erie canal from Terre Haute to the Ohio river," shall not be construed to make it obligatory on the State at any time hereafter, to complete said canal out of its revenues derived from taxation."

Provided which,

On motion,

The Senate adjourned.



2 o'clock, P. M.

The Senate met.

On motion by Mr. Herriman,  
The following message from the House of Representatives, was taken up:

MR. PRESIDENT:

The House of Representatives have passed the following engrossed bills thereof:

- No. 61. An act for the relief of Aaron Stanton and others;
- No. 340. An act authorizing the superintendent of the Wabash and Erie canal to employ an engineer;
- No. 361. An act in relation to collectors of State and county revenue;
- No. 298. An act for the relief of Elizabeth Preston;
- No. 294. An act to amend and reduce into one the several acts relating to the corporation of the town of Vevay;
- No. 386. An act granting the citizens a city charter;
- No. 468. An act explanatory of a certain act therein named;
- No. 473. An act to amend an act therein named;
- No. 405. An act to define the channel of Turtle creek, in Sullivan county;
- No. 486. An act to revive and continue certain provisions of an act entitled an act to incorporate the Hagerstown and Winchester turnpike company, approved February 18th, 1839;
- No. 478. An act declaring a county road running through a part of the counties of Clay and Putnam, a State road;
- No. 479. An act empowering Rachael Blair executrix of Enos Blair, deceased, formerly collector of Monroe county, to collect arrears of taxes;
- No. 456. An act to amend an act incorporating the Indiana Mutual Fire Insurance Company, approved January 30th, 1837;
- No. 426. An act to provide for a settlement with the superintendent of the State Prison;
- No. 433. An act for the relief of county auditors;
- No. 413. An act for the relief of John Davis, of Orange county;
- No. 474. An act for the relief of Andrew Richardson;
- No. 469. An act extending the time of holding courts in the sixth judicial circuit;
- No. 422. An act to locate a State road from Troy on the Ohio river to Hillsborough, in Martin county;
- No. 475. An act to provide for the appointment of township assessors in the county of Tipton, and defining their duties;

- No. 424. An act for the relief of Jacob Emshwiller;
- No. 391. An act relating to the third judicial circuit;
- No. 453. An act providing for the safety of the mortgages to the trust funds;
- No. 455. An act to allow the principal and teachers of the Deaf and Dumb Asylum, to use the books in the State Library.  
In which the concurrence of the Senate is respectfully requested.
- Bill No. 61. In said message, was read a first time, and ordered to a second reading;
- Bill No. 340. Was read a first time, and ordered to a second reading;
- Bill No. 361. Was read a first and second times, the rules being suspended, and ordered to a third reading;
- Bill No. 298. Was read a first time, and ordered to a second reading;
- Bill No. 294. Was read a first, second, and third times, the rules being suspended and passed;
- Bill No. 386. Was read a first time, and ordered to a second reading;
- Bill No. 468. Was read a first time, and ordered to a second reading;
- Bill No. 473. Was read a first time, and ordered to a second reading;
- Bill No. 405. Was read a first time, and ordered to a second reading;
- Bill No. 486. Was read a first time, and ordered to a second reading;
- Bill No. 478. Was read a first time, and ordered to a second reading;
- Bill No. 479. Was read a first and second times, the rules being suspended, and ordered to a third reading;
- Bill No. 456. Was read a first time, and ordered to a second reading;
- Bill No. 426. Was read a first time, and ordered to a second reading;
- Bill No. 433. Was read a first time, and ordered to a second reading;
- Bill No. 413. Was read a first time, and ordered to a second reading;
- Bill No. 391. Was read a first time, and ordered to a second reading;
- Bill No. 453. Was read a first time, and ordered to a second reading;
- Bill No. 469. Was read a first time, and ordered to a second reading;
- Bill No. 475. Was read a first time, and ordered to a second reading;



Bill No. 424. Was read a first time, and ordered to a second reading;

Bill No. 474. Was read a first and second times, the rules being suspended, and ordered to a third reading;

Bill No. 422. Was read a first and second times, the rules being suspended, and,

On motion by Mr. Edmonson,

Was laid upon the table.

Bill No. 455. Was read a first and second times, the rules being suspended, and,

On motion by Mr. Henry,

Was referred to the committee on education.

The Senate then resumed the consideration of bill of the House, No. 362. A bill to provide for the funded debt of the State of Indiana, and for the completion of the Wabash and Erie canal to Evansville.

There were pending at the adjournment an amendment to said bill, (proposed by Mr. Buell), and an amendment to the amendment, (proposed by Mr. Coffin).

Mr. Buell then withdrew his said amendment.

Mr. Coffin then proposed his amendment as an amendment to the bill.

Mr. English then proposed the following as an amendment to the amendment:

Strike out "one half of all the bonds," and insert "\$10,000,000 in bonds."

Mr. Hamrick called for a division of the question;

The question recurring upon striking out,

The ayes and noes were demanded by Messrs. Hamrick and Hardin; and,

*Those who voted in the affirmative are,*

Messrs. Bowers, Bradbury, Buell, Chapman of Laporte, Cuppy, Ellis, English, Goodenow, Handy, Hardin, Henry, Holloway, Logan, Moore, Morgan of Decatur, Morgan of Rush, Murphey, Orth, Winchell, and Wood—20.

*Those who voted in the negative are,*

Messrs. Akin, Allison, Barbour, Berry of Monroe, Chapman of Daviess, Chenowith, Coffin, Conner, Davis, Edmonson, Hamer, Hamrick, Herriman, Howell, Jackson, Jones, Lane, Leviston, Major, Miller, Montgomery, Parks, Pomeroy, Read, Reyburn, Rockhill, Todd, Verbriek, and Zenor—29.

So the Senate refused to strike out.

The question then recurred upon the adoption of Mr. Coffin's amendment;

The ayes and noes being demanded by Messrs. Coffin and Lane,

*Those who voted in the affirmative are,*

Messrs. Akin, Allison, Barbour, Berry of Monroe, Bowers, Bradbury, Buell, Chapman of Daviess, Chapman of Laporte, Chenowith, Coffin, Conner, Cuppy, Davis, Edmonson, Ellis, English, Goodenow, Hamer, Hamrick, Handy, Hardin, Henry, Herriman, Howell, Jackson, Jones, Lane, Leviston, Logan, Major, Miller, Montgomery, Moore, Morgan of Rush, Murphey, Orth, Parks, Pomeroy, Read, Reyburn, Rockhill, Todd, Verbriek, Wood, and Zenor—46.

*Those who voted in the negative are,*

Messrs. Holloway, Morgan of Decatur, and Winchell—3.

So the amendment of Mr. Coffin was adopted.

Mr. Ellis then proposed to amend the 5th section of the bill by striking out the words "New York," and insert "Indianapolis."

The ayes and noes being called for by two Senators,

*Those who voted in the affirmative are,*

Messrs. Bowers, Bradbury, Buell, Chapman of Laporte, Cuppy, Ellis, Goodenow, Hamer, Handy, Hardin, Henry, Holloway, Logan, Miller, Moore, Morgan of Decatur, Morgan of Rush, Murphey, Winchell, and Wood—20.

*Those who voted in the negative are,*

Messrs. Akin, Allison, Barbour, Berry of Monroe, Chapman of Daviess, Chenowith, Coffin, Conner, Davis, Edmonson, English, Hamrick, Herriman, Howell, Jackson, Jones, Lane, Leviston, Major, Montgomery, Orth, Parks, Pomeroy, Read, Reyburn, Rockhill, Todd, Verbriek, and Zenor—30.

So the amendment was not adopted.

Mr. Ellis then proposed to amend the 16th section of the bill by inserting after the word "yearly" the words "at Indianapolis."

The ayes and noes being demanded by Messrs. Winchell and Hardin,

*Those who voted in the affirmative are,*

Messrs. Bowers, Bradbury, Chapman of Laporte, Cuppy, Ellis,



Goodenow, Handy, Hardin, Henry, Holloway, Logan, Moore, Morgan of Decatur, Morgan of Rush, Murphey, Winchell, and Wood—17.

*Those who voted in the negative are,*

Messrs. Akin, Allison, Barbour, Berry of Monroe, Buell, Chapman of Daviess, Chenowith, Coffin, Conner, Davis, Edmonson, English, Hamer, Hamrick, Herriman, Howell, Jackson, Jones, Lane, Leviston, Major, Miller, Montgomery, Orth, Parks, Pomeroy, Read, Reyburn, Rockhill, Todd, Verbriek, and Zenor—32.

So the amendment was not adopted.

Mr. Logan proposed the following amendment to the bill:

*“Provided, That this act shall not be in force unless confirmed by a majority of the legal voters at the annual election on the first Monday of August, in the year 1846; and for the purpose of ascertaining the will of the legal voters both for and against the law, it shall be the duty of the several inspectors and judges of elections at the aforesaid August election to cause to be opened two additional columns on the poll books of said elections, one headed aye and the other no; and it shall be the duty of each inspector whenever a voter presents his ballot to propound to said voters this question, ‘Are you in favor of or opposed to the law?’ And it shall be the duty of the several clerks of election to enter the same in the proper column opposite the name of the vote; the said vote to be counted, certified and returned as is now required by law in case of an election for Governor; and if the majority of the votes cast are in favor of the law, the Governor shall declare the law to be in force by public proclamation.”*

The ayes and noes being desired by Messrs. Logan and Lane,

*Those who voted in the affirmative are,*

Messrs. Bowers, Bradbury, Buell, Chapman of Laporte, Cuppy, Ellis, English, Goodenow, Handy, Hardin, Henry, Holloway, Logan, Miller, Moore, Morgan of Decatur, Murphey, Orth, Read, Winchell, and Wood—20.

*Those who voted in the negative are,*

Messrs. Akin, Allison, Barbour, Berry of Monroe, Chapman of Daviess, Chenowith, Coffin, Conner, Davis, Edmonson, Hamer, Hamrick, Herriman, Howell, Jackson, Jones, Lane, Leviston, Major, Montgomery, Morgan of Rush, Parks, Pomeroy, Rockhill, Reyburn, Todd, Verbriek, and Zenor—29.

So the amendment was not adopted.

Mr. Hamer proposed to amend the bill by adding:

*“Sec. —. That nothing in this act shall be so construed as to allow the trustees proposed to be appointed or elected in this act to erect any dam, bridge, or any other structure in the construction of the extension of the Wabash and Erie canal, so as in any manner to impede the navigation of the east fork of White river in its present state or as it may be hereafter improved by the construction of dams for slack water navigation, as the right to do has been secured to a company chartered by the present Legislature, in an act entitled, ‘An act for the improvement of White river.’”*

Which amendment was adopted.

Mr. Pomeroy then proposed to amend the bill by adding the following:

*“Sec. —. The State reserves the right of fixing by law the salaries to be allowed the trustees mentioned in the seventh section of this act;”*

Which amendment was adopted.

Mr. Henry offered the following amendment to the bill:

*“Add, after the word ‘seal,’ section 10, 4th line, ‘the board of trustees shall be governed in all their duties by subsequent acts of the Legislature.’”*

The ayes and noes being demanded by Messrs. Henry, and Chapman of Laporte,

*Those who voted in the affirmative are,*

Messrs. Akin, Bowers, Bradbury, Chapman of Laporte, Cuppy, Ellis, English, Goodenow, Handy, Hardin, Henry, Holloway, Logan, Moore, Morgan of Decatur, Morgan of Rush, Murphey, Read, Winchell, and Wood—20.

*Those who voted in the negative are,*

Messrs. Allison, Barbour, Berry of Monroe, Buell, Chapman of Daviess, Chenowith, Coffin, Conner, Davis, Edmonson, Hamer, Hamrick, Herriman, Howell, Jackson, Jones, Lane, Leviston, Major, Miller, Montgomery, Orth, Parks, Pomeroy, Reyburn, Rockhill, Todd, Verbriek, and Zenor—30.

So the amendment was not adopted.

Mr. Henry offered the following amendment to the bill:

*“Add: ‘the Legislature reserves the right of repealing any or all powers hereby granted to said corporation, whenever, in the opinion of the Legislature, the good of the State requires it.’”*

The ayes and noes being demanded by Messrs. Henry and Holloway,



*Those who voted in the affirmative are,*

Messrs. Bowers, Bradbury, Buell, Chapman of Laporte, Cuppy, Ellis, Goodenow, Handy, Hardin, Henry, Holloway, Logan, Moore, Morgan of Decatur, Morgan of Rush, Murphey, Winchell, and Wood—18.

*Those who voted in the negative are,*

Messrs. Akin, Allison, Barbour, Berry of Monroe, Chapman of Daviess, Chenowith, Coffin, Conner, Davis, Edmonson, English, Hamer, Hamrick, Herriman, Howell, Jackson, Jones, Lane, Leviston, Major, Montgomery, Orth, Parks, Pomeroy, Read, Reyburn, Rockhill, Todd, Verbribe, and Zenor—30.

So the amendment was not adopted.

Mr. Holloway offered the following amendment to the bill :

Add :

"Sec. —. The trustees who may act under this law shall be individually liable for all the debts contracted by them in the prosecution of the completion of the Wabash and Erie canal."

The ayes and noes being demanded by Messrs. Holloway, and Chapman of Laporte,

*Those who voted in the affirmative are,*

Messrs. Bowers, Bradbury, Buell, Chapman of Laporte, Cuppy, Ellis, Goodenow, Hamer, Handy, Hardin, Holloway, Logan, Miller, Moore, Morgan of Rush, Morgan of Decatur, Murphey, and Wood—18.

*Those who voted in the negative are,*

Messrs. Akin, Allison, Barbour, Berry of Monroe, Chapman of Daviess, Chenowith, Coffin, Conner, Davis, Edmonson, English, Hamrick, Herriman, Howell, Jackson, Jones, Lane, Leviston, Major, Montgomery, Orth, Parks, Pomeroy, Read, Reyburn, Rockhill, Todd, Verbribe, Winchell, and Zenor—31.

So the amendment was not adopted.

Mr. Lane proposed to amend the 6th section of the bill by striking out the words "first day of November," and inserting the words "first day of January."

The ayes and noes being called for by two Senators,

*Those who voted in the affirmative are,*

Messrs. Akin, Allison, Barbour, Berry of Monroe, Bowers, Brad-

bury, Buell, Chapman of Daviess, Chenowith, Coffin, Conner, Cuppy, Davis, Edmonson, Ellis, English, Goodenow, Hamer, Hamrick, Hardin, Herriman, Howell, Jackson, Jones, Lane, Leviston, Major, Montgomery, Moore, Morgan of Decatur, Morgan of Rush, Murphey, Orth, Parks, Pomeroy, Read, Reyburn, Rockhill, Todd, Verbribe, Wood and Zenor—42.

*Those who voted in the negative are,*

Messrs. Chapman of Laporte, Handy, Henry, Holloway, Logan, Miller, and Wood—7.

So the amendment was adopted.

The question then being,

"Shall the amendments be engrossed, and the bill read a third time on to-morrow?"

The ayes and noes were demanded by Messrs. Pomeroy and Lane ; and,

*Those who voted in the affirmative are,*

Messrs. Akin, Allison, Barbour, Berry of Monroe, Chapman of Daviess, Chenowith, Coffin, Conner, Davis, Edmonson, English, Goodenow, Hamer, Hamrick, Herriman, Howell, Jackson, Jones, Lane, Leviston, Major, Miller, Montgomery, Moore, Parks, Pomeroy, Reyburn, Rockhill, Todd, Verbribe, and Zenor—31.

*Those who voted in the negative are,*

Messrs. Bowers, Bradbury, Buell, Chapman of Laporte, Cuppy, Ellis, Handy, Hardin, Henry, Holloway, Logan, Morgan of Decatur, Morgan of Rush, Murphey, Orth, Read, Winchell, and Wood—18.

So the amendments were ordered to be engrossed, and the bill ordered to a third reading.

A message from the House of Representatives :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House have adopted the following resolution :

*Resolved*, That this House will, the Senate concurring therein, proceed to elect a lessee of the State Prison at seven o'clock this evening ; and also elect a warden of said prison ;

In which the concurrence of the Senate is requested.

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate



that the House have passed the following engrossed bills and joint resolutions of the Senate, without amendment:

No. 15. A joint resolution in relation to the Indiana Historical Society;

No. 40. An act supplemental to an act entitled, "An act for the relief of Nathan Burchfield," approved February 11, 1843;

No. 112. An act to incorporate Port Fulton, in Clark county;

No. 114. An act to amend the act relative to the asylum for the education of the deaf and dumb;

No. 104. An act to incorporate the Fort Wayne and Lima Turnpike Company;

No. 135. An act to amend an act to incorporate the Lawrenceburgh and Harrison Turnpike Company, approved Feb. 6, 1836;

No. 151. An act to incorporate the White River Presbyterian Church and Society, in Greene county;

No. 154. An act to incorporate the Fort Wayne and Plymouth Turnpike Company;

No. 162. An act to amend an act relative to claims for damages on the public works;

No. 167. An act in relation to vending intoxicating liquors in Floyd county;

No. 168. An act to provide for the construction of a railroad from Martinsville, Morgan county, to Franklin, in Johnson county;

No. 172. An act in relation to the Laporte county library;

No. 180. An act to dissolve the bonds of matrimony heretofore and now existing between William Beckford and Elizabeth Beckford;

No. 177. An act for the relief of the estate of Israel Phillips, late of Marion county, deceased;

No. 182. An act to incorporate the Rockville and Montezuma Railroad Company;

No. 185. An act to incorporate the Covington Band of Musicians;

No. 186. An act to extend the provisions of a certain act to the county of Allen;

No. 188. An act to extend an act entitled, "An act to provide for a more efficient mode of expending the road tax in the several counties therein named," approved January 15, 1844, to the county of Kosciusko;

No. 190. An act for electing an additional justice of the peace in Hendricks county;

No. 191. An act for the relief of Ann Evans, of Martin county;

No. 192. An act legalizing a certain record of the board of commissioners of Marshall county;

No. 194. An act for the relief of Peter N. Clark, of Marion county;

No. 211. An act to authorize the recording of a road in Steuben county;

No. 229. An act to adjust the water power now used by James S. Hogeland;

No. 207. An act for the relief of the securities of William Johnson, late collector of Sullivan county;

No. 219. An act relative to the June term of the circuit court in Tippecanoe county;

No. 222. An act to locate a State road in Shelby county;

No. 232. An act to repeal an act entitled, "An act to authorize the election of two additional justices of the peace in Shelby county," approved February 14, 1839.

The House have also passed the following engrossed bills of the Senate, with amendments:

No. 109. An act in relation to county auditors;

With one amendment.

No. 13. A joint resolution establishing the per diem allowance of the probate and associate judges of Tippecanoe county;

With three amendments.

No. 200. An act authorizing the erection of suitable buildings for the use of the lunatic asylum;

With two amendments.

In which amendments of the House the concurrence of the Senate is respectfully requested.

Mr. Allison, from the committee on enrolled bills, submitted the following report:

MR. PRESIDENT:

The committee on enrolled bills have compared the enrolled bill of the Senate, No. 163, with the engrossed, and find it correctly enrolled.

A message from his Excellency the Governor, by Mr. Powers:

MR. PRESIDENT:

I am directed by his Excellency the Governor to inform the Senate that he has this day approved and signed:

No. 163. An act to lease the Indiana State Prison, and for other purposes;

Which originated in the Senate.

On motion by Mr. Davis,

The resolution of the House of Representatives, in relation to electing a Superintendent and Warden of the State Prison, at seven o'clock, P. M., was concurred in by the Senate.

On motion,

The Senate adjourned until seven o'clock, P. M.



7 o'clock, P. M.

The Senate met.

Mr. Chapman of Laporte moved that there be a call of the Senate;  
Which was ordered.

All the Senators appearing in their seats,

On motion by Mr. Ellis,  
The further call was suspended.

The following message was received from the House of Representatives, by Mr. Kinder, their Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate [that the House] have passed the following resolution:

*Resolved*, That the Senate be invited to attend in the Hall of the House of Representatives, *instantly*, for the purpose of electing an Agent of State and Superintendent and Warden of the State Prison; and that seats be provided on the right of the Speaker's chair.

Whereupon, the Senate proceeded to the Hall of the House of Representatives, for the purpose of electing said officers, and took their seats on the right of the Speaker's chair.

The Convention then proceeded to the election, *viva voce*, of an Agent of State.

*Those who voted for Michael G. Bright are,*

Messrs. Akin, Allison, Barbour, Berry of Franklin, Berry of Monroe, Chapman of Daviess, Chapman of Laporte, Coffin, English, Goodenow, Hamer, Hamrick, Henry, Herriman, Howell, Jackson, Lane, Parks, Read, Rockhill, Verbriek, Arnold, Baker, Blackwell, Brumfield, Carr, Carnan, Clements, Conduitt, Cookerly, Cornelius, Davis, Dole, Dowling, Edwards, Endecott, Ferguson, Fuller, Hall of Gibson, Harvey, Henton, Hill, Logan, Mickle, Mooney, Nofsinger, Osborn of Sullivan, Porter, Powers, Seawright, Secrest, Sleeth, Smith, Taber, Tedford, Webb, Wilson of Noble, Wilson of Sullivan, Wise, Yocum, and Mr. Speaker—61.

*Those who voted for Robert A. Chandler are,*

Messrs. Chenowith, Jones, Miller, Montgomery, Orth, Bowman, Coon, Ford, Hall of Warren, Hazelrigg, Jones, Kimberlin, Leyman, Lemmonds, Lowe, McCormack, McDonald, Monroe, Nelson, Vandever, and Webber—21.

*Those who voted for Charles H. Test are,*

Messrs. Bowers, Bradbury, Conner, Cuppy, Davis, Ellis, Handy, Hardin, Holloway, Logan, Major, Moore, Morgan of Decatur, Murphey, Pomeroy, Reyburn, Todd, Winchell, Zenor, Cameron, Carter, Clymer, Coffin, Ellis, Julian, Legg, Lewis, Moore, Parker, Riley, Robinson, Ruby, Shanks, Slater, Thompson, Tomlinson, and Wiley—36.

*Those who voted for Nathaniel McCluer are,*

Messrs. Edmonson, Leviston, Morgan of Rush, Cox, Cruikshank, Henry, Hinchman, Huff, Jackson, Kerr, McRae, Meeker, Rousseau, Stewart, Turner, and Watt—16.

No person having received a majority of all the votes given, the convention proceeded to a second *viva voce* voting, and,

*Those who voted for Michael G. Bright are,*

Messrs. Akin, Allison, Barbour, Berry of Monroe, Chapman of Daviess, Chapman of Laporte, Chenowith, Coffin, English, Goodenow, Hamer, Hamrick, Henry, Herriman, Howell, Jackson, Jones, Lane, Miller, Parks, Read, Reyburn, Rockhill, Verbriek, Arnold, Baker, Blakewell, Bowman, Brumfield, Carnan, Carr, Clements, Clymer, Conduit, Cornelius, Davis, Dole, Dowling, Edwards, Endecott, Ferguson, Fuller, Hall of Gibson, Harvey, Hazelrigg, Henton, Hill, Huff, Jones, Kimberlin, Lemmonds, Logan, Mickle, Monroe, Mooney, Nofsinger, Osborn of Laporte, Porter, Powers, Riley, Rosseau, Seawright, Secrest, Sleeth, Smith, Stanfield, Stapp, Taber, Tedford, Vandever, Webb, Wilson of Noble, Wilson of Sullivan, Wise, Yocum, and Mr. Speaker—77.

*Those who voted for Nathaniel McCluer are,*

Messrs. Berry of Franklin, Edmonson, Leviston, Zenor, Cookerly, Cruikshank, Ford, Henry, Jackson, Kerr, McRea, and Watt—12.

*Those who voted for Charles H. Test are,*

Messrs. Bowers, Bradbury, Conner, Cuppy, Davis, Ellis, Handy, Hardin, Holloway, Logan, Major, Montgomery, Moore, Morgan of Decatur, Morgan of Rush, Murphey, Orth, Pomeroy, Todd, Winchell, Cameron, Carter, Coffin, Coon, Cox, Ellis, Hall of Warren, Hinchman, Julian, Leyman, Legg, Lewis, Lowe, McCormack, McDonald, Moore, Nelson, Osborn of Sullivan, Parker, Robinson, Rousseau, Ruby, Shanks, Slater, Stewart, Thompson, Tomlinson, Turner, and Wiley—49.



Mr. Bright having received a majority of all the votes given, was declared by the President of the convention duly elected Agent of State, to serve as such for the term of two years from and after the expiration of his present term of service.

The convention then proceeded to the election, by ballot, of a lessee of the State Prison, Messrs. Parks and Edmonson acting as tellers on the part of the Senate;

And, on counting the first balloting, it appeared that

Samuel H. Patterson received	-	-	-	-	96 votes.
Simon Bottorff received	-	-	-	-	48 votes.

Mr. Patterson having received a majority of all the votes given, was declared by the President of the convention duly elected lessee of the State Prison, to serve as such for the term of ten years from and after the expiration of the term of service of the present superintendent.

The convention then proceeded to the election, by ballot, of a warden of the State Prison, Messrs. Parks and Edmonson acting as tellers on the part of the Senate;

And, on counting the first balloting, it appeared that

Alexander Britton received	-	-	-	-	47 votes.
Samuel B. Mullen received	-	-	-	-	20 votes.
James Boyer received	-	-	-	-	23 votes.
William Lee received	-	-	-	-	41 votes.
Scattering,	-	-	-	-	3 votes.

Neither of the persons having received a majority of all the votes given, the convention proceeded to a second balloting;

And, on counting the same, it appeared that

Alexander Britton received	-	-	-	-	46 votes.
Samuel B. Mullen received	-	-	-	-	14 votes.
James Boyer received	-	-	-	-	7 votes.
William Lee received	-	-	-	-	60 votes.
Blank,	-	-	-	-	3 votes.

Neither of the persons having received a majority of all the votes given, the convention proceeded to a third balloting;

And, on counting the same, it appeared that

William Lee received	-	-	-	-	73 votes.
Alexander Britton received	-	-	-	-	49 votes.
Blank,	-	-	-	-	8 votes.

Mr. Lee having received a majority of all the votes given, he was declared by the President of the convention duly elected warden of

the State Prison for the term of three years from and after the 14th day of June, 1846.

The President then pronounced the convention adjourned, sine die;

After which the Senators returned to their chamber.

On motion,

The Senate adjourned.

## SATURDAY MORNING, JANUARY 17, 1846.

The Senate assembled.

The Journal of the preceding day was read.

Mr. Todd asked and obtained leave to withdraw from the files the petitions in relation to the erection of a mill dam across White river by Mr. McCarty.

Mr. Akin asked and obtained leave to withdraw from the files the petition of James W. Briggs.

Mr. Hardin asked and obtained leave to withdraw the several petitions and remonstrances in relation to abolishing the office of county auditor in Johnson county.

Leave being granted,

Mr. Conner, from a select committee, submitted the following report:

MR. PRESIDENT:

The select committee, to whom was referred an act to change the name of Aberdeen in Hamilton county, have had the same under consideration, and have directed me to report the same back and recommend that it be laid on the table.

Which report was concurred in.

Mr. Akin, chairman of the committee on finance, submitted the following report:

MR. PRESIDENT:

The committee on finance, to whom was referred bill of the House No. 394, entitled, "A bill making general appropriations for the year 1846," have had the same under consideration, and have



instructed me to report the same back to the Senate, without amendment, and recommend its passage.

On motion by Mr. Akin,

The rules were suspended, and the bill read a third time and passed.

Mr. Akin, chairman of the committee on finance, submitted the following report:

MR. PRESIDENT:

The committee on finance, to whom was referred the petitions of sundry citizens, (supposed to be of Allen county), praying the passage of a law allowing certain persons to peddle merchandize without a license, have considered the same, and have instructed me to report that the committee deem it inexpedient to legislate on that subject, and ask to be discharged from the further consideration thereof.

Which report was concurred in.

Mr. Ellis, from the committee on the judiciary, submitted the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred House bill No. 140, an act to provide for taking the sense of the qualified voters of this State on the calling a convention to alter, revise, or amend the constitution of this State, having had the same under consideration, have instructed me to report the same to the Senate, and recommend its indefinite postponement.

On concurring in the report,

The ayes and noes were demanded by Messrs. Akin and Buell; and,

*Those who voted in the affirmative are,*

Messrs. Chapman of Laporte, Chenowith, Coffin, Conner, Cuppy, Davis, Ellis, Goodenow, Hamer, Holloway, Morgan of Decatur, Murphey, Parks, and Reyburn—14.

*Those who voted in the negative are,*

Messrs. Akin, Barbour, Berry of Monroe, Bowers, Buell, Chapman of Daviess, Edmonson, English, Hamrick, Handy, Hardin, Henry, Herriman, Howell, Jackson, Jones, Leviston, Logan, Major, Miller,

Montgomery, Moore, Morgan of Rush, Pomeroy, Read, Rockhill, Todd, Verbrike, Winchell, and Zenor—30.

So the report was not concurred in.

On motion by Mr. Ellis,

The rules were suspended, and the bill read a third time.

On the passage of the bill,

The ayes and noes being demanded by Messrs. Herriman and Murphey,

*Those who voted in the affirmative are,*

Messrs. Akin, Barbour, Berry of Monroe, Bowers, Buell, Chapman of Daviess, Edmonson, English, Hamrick, Hamer, Handy, Hardin, Henry, Herriman, Howell, Jackson, Jones, Leviston, Logan, Major, Miller, Montgomery, Moore, Morgan of Rush, Orth, Reed, Rockhill, Todd, Verbrike, Winchell, and Zenor—31.

*Those who voted in the negative are,*

Messrs. Chapman of Laporte, Chenowith, Coffin, Conner, Cuppy, Davis, Ellis, Goodenow, Holloway, Lane, Morgan of Decatur, Murphey, Parks, and Reyburn—14.

So the bill was passed.

Mr. Chapman of Laporte, chairman of the committee on the judiciary, submitted the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred the petitions of sundry citizens upon the subject of the laws in relation to colored persons, have had the same under consideration, and have directed me to report that, in their opinion, it is inexpedient to legislate upon the subjects therein referred to.

Which report was concurred in.

Mr. Chapman of Laporte, chairman of the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred the petition of sundry citizens of Warren county in relation to the practice at law, have had the same under consideration, and have directed me to report that it is inexpedient to legislate on that subject.



Which report was concurred in.

Mr. Chapman of Laporte, chairman of the committee on the judiciary, submitted the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred bill of the House No. 245, a bill relative to tax titles, have had the same under consideration, and have directed me to report the same back, with one amendment, and upon its adoption, to recommend its passage.

Amend by striking out the third section.

Which report was concurred in, and the amendment adopted.

On motion by Mr. Berry of Franklin,

The rules were suspended, and the bill read a third time, and passed.

Mr. Leviston, chairman of the committee on military affairs, mane the following report:

MR. PRESIDENT:

The committee on military affairs, to whom was referred a bill of the House, No. 397, entitled "An act relative to reviving the militia laws," have had that subject under consideration, and have directed me to report the same back to the Senate, and recommend its indefinite postponement.

On concurring in the report,

The ayes and noes were demanded by Messrs. Barbour and Jones; and,

*Those who voted in the affirmative are,*

Messrs. Akin, Buell, Chenowith, Coffin, Davis, Ellis, Hamer, Hardin, Herriman, Holloway, Howell, Lane, Leviston, Moore, Morgan of Decatur, Murphey, Pomeroy, Read, Reyburn, Verbriek, Winchell, and Zenor—22.

*Those who voted in the negative are,*

Messrs. Barbour, Berry of Monroe, Bowers, Chapman of Laporte, Cuppy, Edmonson, English, Goodenow, Hamrick, Handy, Henry, Jackson, Jones, Logan, Major, Miller, Montgomery, Morgan of Rush, Orth, Parks, and Todd—21.

So the report was concurred in, and the bill accordingly ordered to be indefinitely postponed.

Mr. Edmonson, chairman of the committee on corporations, submitted the following report:

MR. PRESIDENT:

The committee on corporations, to whom was referred a bill to incorporate the Lawrenceburgh and Rushville turnpike company, have had that subject under consideration, and directed me to report it back to the Senate, with amendments, which when concurred in, they recommend its passage.

Add:

"Sec. —. If the directors in said company shall contract any debts for labor, upon said road, which shall not be paid by the company when due, the stockholders shall be liable, in their individual capacity, for the payment of all such debts.

"Sec. —. The General Assembly reserves the right to alter or amend this charter whenever its franchises shall prove oppressive to the community in which they are exercised."

The question then recurred upon concurring in the report of the committee.

Mr. Herriman called for a division of the question.

The question then recurring upon concurring in the first amendment,

The ayes and noes were called for by two senators; and,

*Those who voted in the affirmative are,*

Messrs. Akin, Barbour, Berry of Monroe, Buell, Chapman of Daviess, Chapman of Laporte, Cuppy, Edmonson, English, Hamrick, Handy, Hardin, Herriman, Howell, Jackson, Jones, Lane, Leviston, Logan, Major, Miller, Parks, Read, and Rockhill—24.

*Those who voted in the negative are,*

Messrs. Bowers, Chenowith, Coffin, Conner, Davis, Ellis, Goode-now, Hamer, Henry, Holloway, Montgomery, Moore, Morgan of Decatur, Morgan of Rush, Murphey, Orth, Pomeroy, Reyburn, Todd, Verbriek, Winchell, and Wood—22.

So the amendment was concurred in.

The question then recurring upon the adoption of the other amendment,

It was decided in the affirmative.

The rules were then suspended, and the bill read a third time, and passed.

A message from the House of Representatives:



MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House have passed the following engrossed bills of the Senate:

No. 240. An act to provide for the collection of the county seminary fund of Hamilton county.

No. 238. An act to provide for the erection of a bridge across the Wabash and Erie canal.

No. 6. A joint resolution on the subject of vacant lands in the State of Indiana.

No. 218. An act for the relief of James Kappeler and others.

No. 239. An act to enable the township of Lawrenceburgh, in Dearborn county, to turnpike all the roads within the same.

No. 165. An act to incorporate the Milford and Columbus railroad company.

No. 235. An act for the relief of Nancy Pickett of Switzerland county.

No. 199. An act to incorporate the Mt. Carmel Hall of Liberty in Franklin county.

No. 25. An act in relation to county treasurers.

No. 195. An act in relation to certificates and patents of Michigan road lands.

No. 164. An act for the relief of James P. Creager of Knox county.

No. 223. An act transferring the duties of the agent of the surplus revenue fund in Scott county to the school commissioner of said county;

No. 170. An act to extend the Burlington and Lafayette State road.

Also, the following engrossed bill of the Senate, with one amendment:

No. 89. An act in relation to the Wabash and Erie canal lands. In which amendment the concurrence of the Senate is requested.

Mr. Edmonson, chairman of the committee on corporations, submitted the following report:

MR. PRESIDENT:

The committee on corporations, to whom was referred a bill to incorporate the Hagerstown and Newcastle turnpike company, have had the same under consideration, and directed me to report it back to the Senate with amendments, which when concurred in, they recommend its passage.

Strike out of section four the words "and thirty-eight," and between the words "thirty-sixth and thirty-seventh," insert the word "and."

And add—

"SEC. —. If the directors in said company contract any debts for labor upon said road, which shall not be paid when due, by the company, the stockholders shall be liable for such debts in their individual capacity.

"SEC. —. The General Assembly reserves the right to alter and amend this charter whenever any of its franchises shall prove oppressive to the community in which they are exercised."

On concurring in the report,

The ayes and noes being demanded by Messrs. Murphey and Ellis;

*Those who voted in the affirmative are,*

Messrs. Akin, Barbour, Berry of Monroe, Buell, Chapman of Daviess, Cuppy, Edmonson, English, Hamrick, Handy, Hardin, Herriman, Howell, Jackson, Jones, Lane, Major, Miller, Parks, Read, and Rockhill—21.

*Those who voted in the negative are,*

Messrs. Bowers, Chenowith, Coffin, Conner, Davis, Ellis, Goodenow, Hamer, Henry, Holloway, Logan, Montgomery, Moore, Morgan of Decatur, Morgan of Rush, Murphey, Orth, Pomeroy, Rayburn, Todd, Verbriek, Winchell, and, Zenor—23.

So the report was not concurred in, and the amendments not adopted.

The bill was then ordered to a third reading.

Mr. Cuppy, from a select committee, submitted the following report:

MR. PRESIDENT:

The select committee to which was referred the petitions of sundry citizens of the counties of Elkhart and St. Joseph, on the subject of the location of the Buffalo and Mississippi railroad, have had that subject under consideration, and have directed me to report that, in their opinion, it is too late in the session to legislate on the subject therein referred to, and recommend that they be laid upon the table.

Which report was concurred in.

Mr. English offered the following resolution:



*Resolved*, That the thanks of this Senate be tendered to the Hon. Godlove S. Orth for the faithful and impartial manner in which he discharged the duties of President *pro tem*. during the period that he presided over its deliberations.

Which resolution was unanimously adopted.

Mr. Miller offered the following resolution:

*Resolved*, That the thanks of the Senate be and the same are hereby tendered to the Hon. James G. Read for the able, dignified, and impartial manner in which he has presided over the deliberations of this body during the time he has been President of the Senate.

Which was unanimously adopted.

Mr. Pomeroy offered the following resolution:

*Resolved*, That the thanks of the Senate be tendered to Willis A. Gorman, and Isaac N. Akin, and David Miller for the able and efficient manner in which they have severally discharged the duties of Secretary, and Assistant Secretary, and Door-keeper of the Senate, during the present session.

Which was adopted.

A message from the House of Representatives by Mr. Kinder:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House have passed the following engrossed bills of the Senate, without amendment:

No. 173. An act to incorporate the Greensforth [Greens Fork] and Hagerstown turnpike company;

No. 214. An act to authorize Joshua Small and Ephraim Overman to construct a mill dam across the Mississinewa river;

No. 242. An act amendatory of an act entitled "An act to incorporate the Lafayette and Ohio turnpike company;

No. 251. An act to change a part of the State road from McDonald's ferry, in Clark county, to Brownstown, in Jackson county;

No. 254. An act in relation to opening roads in the county of Fayette;

No. 215. An act for the relief of Elizabeth Preston;

No. 234. An act for the relief of Mary Ann Wetherald, of Fayette county;

No. 253. An act for the relief of the securities of James A. Kindle, late a collector of Madison county;

No. 256. An act for the relief of Jacob Rozell;

No. 208. An act to establish a State road in the counties of Huntington, Whitley, and Wabash;

No. 209. An act to locate a State road in the counties of Whitley, Noble, and Kosciusko;

No. 97. An act defining the duties of county treasurer, county auditor, and supervisors of highways in the counties of Rush and Hancock;

No. 184. An act to charter the Alumni, of Hanover College;

No. 217. An act appointing commissioners to make partition of the real estate of Stephen S. Collett, late of Vermillion county, deceased;

No. 221. An act to legalize the acts of the probate judge of Tippecanoe county;

No. 228. An act to locate a State road from Point Commerce, in Greene county, to the feeder dam on Eel river, in Clay county;

No. 231. An act to organize a school district in the county of Sullivan;

No. 236. An act to prevent suits in certain cases;

No. 237. An act to amend an act entitled, "An act to provide for the collection of debts due from the Lawrenceburgh and Indianapolis Railroad Company," approved January 12, 1845;

No. 247. An act for the education of the indigent blind of this State;

No. 245. An act in relation to an alley in Georgetown, Floyd county;

No. 246. An act supplemental to the act, approved January 6, 1846, entitled, "An act to amend an act entitled, 'An act to incorporate the Buffalo and Mississippi Railroad Company,' approved February 6, 1845;"

No. 255. An act authorizing the removal of obstructions in Big and Little Blue rivers, in Shelby county, and for other purposes;

No. 257. An act to provide for the inspection of whiskey in Tippecanoe county;

No. 235. An act regulating the granting of licenses in the county of Delaware;

No. 258. An act to change the name of John Nichols to that of John Bevier Nichols;

No. 318. An act relative to apprentices.

The House have also passed the following engrossed bill of the Senate, with five amendments:

No. 174. An act to provide for the appointment of township assessors in the counties of Monroe and Morgan;

In which amendments the concurrence of the Senate is respectfully requested.

The House have also concurred in the amendments of the Senate to bills of the House of the following numbers: 148, 287, 166, 221, 12, and 297.

Mr. Handy moved to reconsider the vote by which the Senate refused to pass,



No. 376. A joint resolution (of the House) transferring a certain book from the State Library to the library of the State University; Which motion prevailed.

On motion by Mr. Berry of Monroe,

The rules were suspended, and the joint resolution read a third time and passed.

Mr. Buell moved to reconsider the vote refusing to pass bill of the House No. 384;

Which motion prevailed.

The bill was then passed.

The Senate then proceeded to the consideration of the orders of the day.

No. 362. A bill (of the House) to provide for the funded debt of the State of Indiana, and for the completion of the Wabash and Erie canal to Evansville.

On the passage of the bill,

The ayes and noes being demanded by Messrs. Edmonson and Akin,

*Those who voted in the affirmative are,*

Messrs. Akin, Allison, Barbour, Chapman of Daviess, Chenowith, Coffin, Conner, Davis, Edmonson, English, Goodenow, Hamer, Hamrick, Handy, Herriman, Howell, Jackson, Jones, Lane, Leviston, Major, Miller, Montgomery, Moore, Parks, Pomeroy, Reyburn, Rockhill, Todd, Verbriek, and Zenor—31.

*Those who voted in the negative are,*

Messrs. Bowers, Buell, Chapman of Laporte, Cuppy, Ellis, Hardin, Henry, Holloway, Logan, Morgan of Decatur, Morgan of Rush, Murphey, Orth, Read, and Winchell—15.

So the bill was passed.

Mr. Holloway proposed to amend the title of the bill, by inserting before the word "funded," the words "part of the."

The ayes and noes being called for by two Senators,

*Those who voted in the affirmative are,*

Messrs. Bowers, Chapman of Laporte, Ellis, Handy, Hardin, Henry, Holloway, Logan, Morgan of Decatur, Morgan of Rush, Murphey, and Winchell—12.

*Those who voted in the negative are,*

Messrs. Akin, Barbour, Berry of Monroe, Buell, Chapman of Daviess, Chenowith, Coffin, Conner, Cuppy, Davis, Edmonson,

English, Goodenow, Hamer, Hamrick, Herriman, Howell, Jackson, Jones, Lane, Leviston, Major, Miller, Montgomery, Moore, Orth, Parks, Pomeroy, Read, Reyburn, Rockhill, Todd, Verbriek, and Zenor—34.

So the amendment was not adopted.

Mr. Henry proposed to amend the title so as to read as follows:

"An act to incorporate the Wabash and Erie Canal from Fort Wayne to Evansville."

Mr. Lane called for a division of the question.

The question then recurring,

"Shall the bill be amended?"

It was decided in the negative.

A message from the House of Representatives, by Mr. Kinder, their Clerk:

MR. PRESIDENT:

I have been directed to inform the Senate that the House has passed the following engrossed bill of the Senate, without amendment:

No. 259. An act to legalize certain sales therein named.

I am instructed by the House of Representatives to inform the Senate that the House have passed bill of the Senate,

No. 242. An act to repeal an act entitled, "An act authorizing the election of certain officers in the town of Indianapolis," approved January 15, 1844.

Mr. Allison, from the committee on enrolled bills, made the following report:

MR. PRESIDENT:

The committee on enrolled bills have compared the enrolled with the engrossed bills of the Senate Nos. 204, 205, 225, 137, 106, 66, 171, 12, 129, 148, and 146, and find them correctly enrolled; they have also compared bills as follows; No. 203, and find the word "said" omitted in the 17th line of first section, also bill No. 166, the words "of Clay county," were left out in the title; also bill No. 139, in the last line of the first section, the word "memorial" was written for "monumental;" also bill No. 156, the word "coupons" was omitted in the 25th line of section one. All of which omissions and corrections they have made.

Mr. Allison, from the committee on enrolled bills, made the following report:



## MR. PRESIDENT:

The committee on enrolled bills have compared the enrolled with the engrossed bills of the Senate Nos. 149, 136, 76, 105, 169, 10, 71, 91, 161, and find them correctly enrolled.

## HOUSE BILLS ON THIRD READING.

No. 361. An act in relation to collection of State and county revenue;

Read a third time and passed.

No. 474. An act for the relief of Andrew Richardson;

Read a third time and passed.

No. 479. An act empowering Rachael Blair, executrix of Enos Blair, deceased, formerly collector of Monroe county, to collect arrears of taxes;

Read a third time and passed.

Mr. Chapman of Laporte, moved to take from the table;

No. 189. A bill (of the Senate) to amend an act entitled "An act to provide for the election of prosecuting attorneys by the people; Which motion prevailed.

Mr. Chapman of Laporte, then moved to reconsider the vote adopting a certain amendment offered by him, striking out so much of the bill as requires the prosecutor to be a licensed attorney at law;

Which motion prevailed.

Mr. Chapman then withdrew his amendment.

On motion by Mr. Parks,

The bill was laid upon the table.

On motion by Mr. Major,

Bill (of the House) No. 364, was taken from the table.

Mr. Orth moved to indefinitely postpone the bill.

The ayes and noes being called for by two Senators,

*Those who voted in the affirmative are,*

Messrs. Akin, Allison, Bowers, Buell, Chapman of Daviess, Chapman of Laporte, Conner, Davis, Ellis, Goodenow, Hamer, Hamrick, Hardin, Henry, Holloway, Montgomery, Moore, Morgan of Decatur, Morgan of Rush, Murphey, Orth, Pomeroy, Reyburn, Todd, Verbriek, Winchell, and Zenor—26.

*Those who voted in the negative are,*

Messrs. Barbour, Berry of Monroe, Coffin, Edmonson, English, Herriman, Howell, Jackson, Jones, Logan, Major, Miller, Parks, Read, and Rockhill—15.

So the motion to indefinitely postpone prevailed.

## HOUSE BILLS ON THIRD READING.

No. 424. An act for the relief of Jacob Einschiller;

Read a second time, and the question recurring,

"Shall the bill be ordered to a third reading?"

It was decided in the negative.

No. 61. An act for the relief of Aaron Stanton and others;

Read a second time, and,

On motion by Mr. Morgan of Daviess,

Laid upon the table.

No. 340. An act authorizing the superintendent of the Wabash and Erie canal to employ an engineer;

Read a first and second times, the rules being suspended, and passed.

No. 298. An act for the relief of Elizabeth Preston;

Read a second time.

Mr. Parks moved to lay the bill upon the table;

Which motion did not prevail.

The bill was then read a third time, the rules being suspended, and passed.

No. 468. An act explanatory of a certain act therein named;

Read a second and third times, the rules being suspended, and passed.

No. 426. An act to provide for a settlement with the superintendent of the State Prison;

Read a second time, and ordered to a third reading.

No. 473. An act to amend an act therein named;

Read a second and third times, the rules being suspended and passed.

No. 405. An act to define the channel of Turtle creek in Sullivan county;

Read a second and third times, the rules being suspended, and passed.

No. 486. An act to revive and continue certain provisions of an act entitled an act to incorporate the Hagerstown and Winchester turnpike company, approved February 18th, 1839;

Read a second and third times, the rules being suspended, and passed.

No. 478. An act declaring a county road, running through a part of the counties of Clay and Putnam, a State road;

Read a second and third times, the rules being suspended, and passed.

No. 433. An act for the relief of county auditors;

Read a second time, and,

On motion by Mr. Handy,

Laid upon the table.

No. 413. An act for the relief of John Davis, of Orange county;



Read a second and third times, the rules being suspended, and passed.

No. 391. An act relating to the third judicial circuit;

Read a second and third times, the rules being suspended, and passed.

No. 453. An act providing for the safety of the mortgages to the trust funds;

Read a second and third times, the rules being suspended, and passed.

No. 469. An act extending the time of holding courts in the sixth judicial circuit;

Read a second and third times, the rules being suspended, and passed.

No. 475. An act to provide for the appointment of township assessors in the county of Tipton, and defining their duties;

Read a first and second times, the rules being suspended, and passed.

No. 456. An act to amend an act incorporating the Indiana Mutual Fire Insurance Company, approved January 30, 1837;

Read a second and third times, the rules being suspended, and passed.

The following messages from the House of Representatives were then taken up:

MR. PRESIDENT:

I have been directed to inform the Senate that the House of Representatives have passed the following engrossed bill:

No. 471. An act allowing the Secretary and Auditor of State a compensation for issuing canal land patents;  
In which the concurrence of the Senate is respectfully requested.

Said bill was read a first time;

On motion by Mr. Miller,

The rules were suspended, and the bill read a second and third times, and passed.

MR. PRESIDENT:

I am instructed by the House to inform the Senate that the House have passed the following engrossed bill thereof:

No. 481. An act to raise a revenue for the year 1846;

In which the concurrence of the Senate is respectfully requested.

The said bill was read a first time;

Mr. Murphey moved to suspend the rules, and read the bill a second time now;

The ayes and noes being call for by Messrs. Bowers and Morgan of Decatur,

*Those who voted in the affirmative are,*

Messrs. Akin, Allison, Barbour, Berry of Monroe, Chapman of Daviess, Chenowith, Coffin, Davis, Edmonson, English, Goodenow, Hamrick, Handy, Hardin, Herriman, Howell, Jackson, Jones, Lane, Leviston, Major, Montgomery, Moore, Morgan of Rush, Orth, Pomeroy, Read, Reyburn, Rockhill, Todd, Verbriake, and Zenor—33.

*Those who voted in the negative are,*

Messrs. Bowers, Buell, Chapman of Laporte, Cuppy, Henry, Holloway, Logan, Morgan of Decatur, Murphey, and Winchell—10.

So the rules were suspended, and the bill read a second time.

On motion by Mr. Handy,

The bill was referred to the committee of the whole Senate, and made the order of the day for Monday next, at nine o'clock, A. M.

On motion,

The Senate adjourned.

*2 o'clock, P. M.*

The Senate met.

M. Orth asked and obtained leave to withdraw from the files an address of the medical society.

On motion by Mr. Pomeroy,

The messages from the House were taken up:

No. 89. A bill of the Senate, amended by the House;

Mr. Morgan of Rush, moved to concur in the amendments of the House, with the following amendment:

"Strike out 'ten,' and insert 'twelve and one-half;'"

The ayes and noes being desired by Messrs. Morgan of Rush and Pomeroy,

*Those who voted in the affirmative are,*

Messrs. Goodenow, Holloway, Moore, Morgan of Decatur, Morgan of Rush, Murphey, and Read—7.



*Those who voted in the negative are,*

Messrs. Akin, Chapman of Daviess, Chapman of Laporte, Chenowith, Coffin, Conner, Cuppy, Davis, Edmonson, Ellis, English, Hamer, Handy, Henry, Herriman, Howell, Jackson, Jones, Logan, Miller, Orth, Parks, Pomeroy, Reyburn, Todd, Verbriek, Winchell, and Zenor—28.

So the amendment of Mr. Morgan was not adopted.

The amendments of the House were then concurred in.

Mr. Morgan of Decatur, asked and obtained leave to withdraw from the files a certain petition of H. Fugitt.

MR. PRESIDENT:

I am instructed by the House of Representatives to inform the Senate that the House have passed the following bill thereof:

No. 434. An act to provide for the payment of the expense of surveying and locating the Wabash and Ohio canal from Terre Haute to Evansville;

In which the concurrence of the House is requested.

The said bill was read a first time.

On motion by Mr. Ellis,

The rules were suspended, and the bill read a second time.

Mr. Henry then proposed to amend the bill as follows:

Amend by striking out that part of the bill which provides that said amount shall be paid out of the county treasuries, and insert that said amount shall be paid out of the canal funds.

Mr. Murphey moved to lay the bill and pending amendments upon the table;

The ayes and noes being desired by two Senators;

*Those who voted in the affirmative are,*

Messrs. Bowers, Buell, Conner, Goodenow, Henry, Holloway, Leviston, Moore, Morgan of Decatur, Morgan of Rush, Murphey, Parks, Reyburn, Winchell, and Zenor—15.

*Those who voted in the negative are,*

Messrs. Akin, Allison, Chapman of Daviess, Chapman of Laporte, Chenowith, Coffin, Davis, Edmonson, Ellis, English, Hamer, Hamrick, Handy, Hardin, Herriman, Howell, Jackson, Jones, Lane, Miller, Montgomery, Orth, Pomeroy, Read, Rockhill, Todd, and Verbriek—27.

So the motion to lay upon the table did not prevail.

Mr. Winchell then proposed to amend the amendment as follows:

"That the State Treasury shall be open at all times, Sundays excepted, to any demand for money that may be made by the Wabash and Erie canal interest; and all the revenues of the State shall be hereafter appropriated to the benefit of said canal, if required by its friends.

Which was adopted.

On motion by Mr. Handy,

The amendment as amended was laid upon the table.

On motion by Mr. Handy,

The bill was amended by inserting in the proper place the words "with six per cent. interest."

On motion by Mr. Chapman of Laporte,

The third section of the bill was amended by adding, before the word "proceeds," the word "first."

Mr. English moved to suspend the rules and read the bill a third time now;

The ayes and noes being demanded by Messrs. Murphey and Handy,

*Those who voted in the affirmative are,*

Messrs. Allison, Berry of Monroe, Buell, Chapman of Daviess, Chenowith, Coffin, Davis, Edmonson, Ellis, English, Hamer, Hamrick, Howell, Jackson, Jones, Lane, Miller, Montgomery, Orth, Read, Reyburn, Todd, and Verbriek—23.

*Those who voted in the negative are,*

Messrs. Akin, Bowers, Chapman of Laporte, Cuppy, Goodenow, Handy, Hardin, Henry, Herriman, Holloway, Leviston, Logan, Moore, Morgan of Decatur, Morgan of Rush, Murphey, Parks, Rockhill, Winchell, and Zenor—20.

So the rules were not suspended.

The bill was then ordered to a third reading on to-morrow.

The rules being suspended,

Mr. Jones introduced,

No. 267. A bill to authorize the superintendent of the Wabash and Erie canal to pay such equitable claims as counties and individuals may have for surveying and locating the canal from Tippecanoe river to Terre Haute;

Which was read a first time.

On motion by Mr. Jones,

The rules were suspended, and the bill read a second time.

Mr. Lane then moved to lay the bill upon the table;

The ayes and noes being called for by Messrs. Akin and Jones,



*Those who voted in the affirmative are,*

Messrs. Akin, Chapman of Daviess, Davis, English, Goodenow, Hamer, Hamrick, Handy, Herriman, Howell, Jackson, Lane, Leviston, Montgomery, Moore, Morgan of Decatur, Morgan of Rush, Parks, Pomeroy, Reyburn, Rockhill, Todd, Verbribe, and Zenor—24.

*Those who voted in the negative are,*

Messrs. Bowers, Buell, Chapman of Laporte, Coffin, Cuppy, Edmonson, Ellis, Hardin, Henry, Holloway, Jones, Logan, Miller, Murphey, Orth, Read, and Winchell—17.

So the bill was laid upon the table.

The amendments of the House to Senate bill No. 200, were concurred in.

The amendments of the House to joint resolution of the Senate No. 13, were concurred in.

The amendments of the House to Senate bill No. 109, were concurred in.

Mr. Herriman, from the committee of free conference on the part of the Senate, made the following report:

MR. PRESIDENT:

The committee of free conference, on the part of the Senate, appointed to meet a like committee on the part of the House to take into consideration the matters of difference between the two Houses in relation to bill of the House No. 73, "A bill to provide for the re-appraisal of real estate heretofore appraised and subject to taxation," have had the same under consideration, and have directed me to report that they are unable to agree thereon; they therefore ask to be discharged from the further consideration thereof.

Which was concurred in and the committee discharged.

Mr. Edmonson moved that another similar committee be appointed to act on the part of the Senate with the committee of the House;

Which motion prevailed; and

Messrs. Pomeroy and Reyburn were appointed said committee.

Mr. Edmonson moved to reconsider the vote indefinitely postponing

No. 164. A bill (of the House) for the relief of purchasers of school lands in Randolph county;

Which motion prevailed.

Mr. Morgan of Decatur moved to recommit the bill to the committee on education with instructions to make its provisions general;

Pending which,

On motion by Mr. Herriman,  
The bill was laid upon the table.

A message from the House of Representatives:

MR. PRESIDENT:

I am directed by the House to inform the Senate that the House have appointed Messrs. Hall of Gibson and Baker a second committee of free conference to take into consideration the disagreement of the two Houses in relation to bill of the House No. 73, "A bill to provide for the reappraisal of real estate heretofore appraised and subject to taxation."

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House have passed engrossed bill of the Senate,

No. 261. An act to divorce Maria Heritage, (late Maria Miller), from her husband Joseph Heritage, late of Vigo county;

With one amendment, in which amendment the concurrence of the Senate is requested.

On motion,

The amendment of the House was concurred in.

MR. PRESIDENT:

I am directed by the House to inform the Senate that the House have passed the following engrossed bills of the Senate without amendment:

No. 249. An act for the relief of Theodore R., Ann Maria, and Charlotte Brackenridge, heirs of Geo. W. Brackenridge, deceased;

No. 226. An act amendatory of an act entitled, "An act relative to the appointment of county commissioners in the several counties in this State to act as boards of library trustees, &c.;

No. 227. An act defining the duties of county auditors and school commissioners;

No. 160. An act for the relief of Jno. C. Parker;

No. 246. An act for the relief of the owners of certain canal lands;

No. 265. An act for the relief of Adams Firebaugh;

No. 260. An act in relation to damages in sinking fund sales.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House have passed the following engrossed bill of the Senate without amendment:



No. 213. An act giving the right to the voters of Marion county to decide as to authorizing license to retail spirituous liquors in their townships.

MR. PRESIDENT:

I am instructed by the House of Representatives to inform the Senate that the House have concurred in the amendments of the Senate to bill of the House,

No. 362. An act to provide for the funded debt of the State of Indiana, and for the completion of the Wabash and Erie canal to Evansville.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House refuse to concur in the engrossed amendments of the Senate to bill of the House No. 365, a bill amendatory of the several acts relative to the New Albany and Vincennes road.

On motion by Mr. Ellis,  
The Senate receded from their amendments to said bill.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House have passed engrossed bill thereof,

No. 485. An act to provide for the payment of the expenses of selecting and classifying the lands granted by Congress for the completion of the Wabash and Erie canal from Terre Haute to Evansville;

In which the concurrence of the Senate is requested.

The said bill was read a first and second times, the rules being suspended.

Mr. Hamer moved to amend the bill by allowing William Burton \$130, instead of \$100.

Which amendment was adopted.

Mr. Verbriek moved to amend the bill by inserting after the words "refunded to the State of Indiana," the words "with 6 per cent. interest."

Which amendment was adopted.

On motion by Mr. Hardin,

The rules were suspended, and the bill read a third time.

On the passage of the bill,

The ayes and noes being demanded by Messrs. Murphey and Buell,

*Those who voted in the affirmative are,*

Messrs. Allison, Berry of Monroe, Chapman of Daviess, Chenowith, Coffin, Davis, Edmonson, Ellis, English, Hamer, Hamrick, Handy, Hardin, Herriman, Howell, Jackson, Jones, Lane, Orth, Parks, Read, Todd, Verbriek, and Zenor—24.

*Those who voted in the negative are,*

Messrs. Bowers, Buell, Chapman of Laporte, Cuppy, Goodenow, Henry, Holloway, Logan, Montgomery, Moore, Morgan of Decatur, Morgan of Rush, Murphey, Rockhill, and Winchell—15.

So the bill was passed.

Mr. Buell moved to reconsider the vote refusing to pass bill of the House No. 434;

Which motion prevailed.

On motion by Mr. Ellis,

The bill was then amended by providing that said sums shall be refunded to the State with 6 per cent. interest.

On the passage of the bill,

The ayes and noes being demanded by Messrs. Buell and Herriman,

*Those who voted in the affirmative are,*

Messrs. Allison, Berry of Monroe, Chapman of Daviess, Chenowith, Coffin, Davis, Edmonson, Ellis, English, Hamer, Handy, Herriman, Howell, Jackson, Jones, Lane, Orth, Read, Rockhill, Todd, Verbriek, and Zenor—22.

*Those who voted in the negative are,*

Messrs. Bowers, Buell, Chapman of Laporte, Cuppy, Goodenow, Hardin, Henry, Holloway, Logan, Montgomery, Moore, Morgan of Decatur, Morgan of Rush, Murphey, Parks, and Winchell—16.

So the bill passed.

On motion by Mr. Orth,

Senate bill No. 267 was taken from the table.

Mr. Handy moved to indefinitely postpone the bill.

The ayes and noes being demanded by two Senators,

*Those who voted in the affirmative are,*

Messrs. Bowers, Cuppy, English, Goodenow, Hamer, Hamrick, Handy, Hardin, Leviston, Morgan of Decatur, Morgan of Rush, Parks, and Winchell—13.



demand, a list of all taxable lands situate within their respective counties, on or before the tenth day of March, 1846, together with the name or names of the owners thereof."

Which report was concurred in.

The amendment of the House ("strike out third amendment,") to the amendments of the Senate to House bill No. 460, was concurred in by the Senate.

On motion,

The Senate adjourned until seven o'clock, P. M.

7 o'clock, P. M.

The Senate met.

Leave being granted,

Mr. Edmonson, chairman of the committee on corporations, made the following report:

MR. PRESIDENT:

The committee on corporations, to whom was referred so much of the Governor's message as relates to incorporations, from the other pressing engagements in their business, have not had time to perfect a bill on that subject, of such a character as its nature and importance demands; but they believe the suggestion a good one, and hope it will be acted upon at as early a period as practicable.

In the discharge of their duty, a majority have necessarily had to make many recommendations which were not well received by the friends of bills submitted to their consideration. But they did so from no hostility to an honest prosecution of manufacturing, or construction of convenient modes of transporting the rich products of the soil to the best markets. Each of these objects, demanding the labor of honest and industrious citizens, they thought it their duty to protect them from the avarice of dishonest capitalists, and the scheming of reckless speculators. The past being so prolific in examples, of incorporate companies contracting debts far beyond their ability to pay, thus robbing those unable to bear such losses; and to prevent the future occurrence of such calamities, they have made many recommendations to ensure to the laborer his hire.

The best guaranty they knew of was to make the stockholders liable, in their individual capacity, for the payment of all debts which are not paid by the corporation when due; but, unable to secure this desirable provision, they have often modified it, so as to throw this responsibility upon the directors, who, of course, from

the nature of their business, know whether their company is able to meet its contracts or not; and such officers as get from men their labor without a certainty of the means of payment, ought to be held responsible, personally, for such payment, if not to prosecution, as swindlers.

That the unsuspecting should not be defrauded out of their honest earnings, by a depreciated currency, they have opposed all issues of scrip by incorporated companies.

The genius of our political institutions is such, that the largest rights possible should be left with the masses, so that if error has occurred in their agents, they may correct the evil so soon as discovered or felt. That legislation is frequently wrong, upon other subjects, is admitted to be true, and they think it may be so in granting acts of incorporation; and when found to be so, they know of no good reason why it should not be corrected. Hence, they have recommended that the General Assembly should have the right expressly reserved to alter, amend, or repeal all charters, whenever public good shall require it, or any granted franchises may prove oppressive, where exercised.

And they ask to be discharged from the further consideration of the subject.

B. R. EDMONSON, *Chairman*.

GEO. BERRY,

A. C. HANDY,

R. W. AKIN.

Which report was concurred in.

The following message from the House was taken up:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House have refused to concur in the amendments of the Senate to bill of the House,

No. 250. An act to incorporate the Ohio and Indianapolis railroad company.

Mr. Read moved that the Senate recede from their amendments; Pending which,

Mr. Buell called for a division of the question.

The question then recurring upon receding from the first amendment,

The ayes and noes were called for by Messrs. Davis and Coffin; and,



*Those who voted in the affirmative are,*

Messrs. Barbour, Buell, Cuppy, Ellis, Holloway, Howell, Lane, Montgomery, Moore, Morgan of Decatur, Morgan of Rush, Orth, and Read—14.

*Those who voted in the negative are,*

Messrs. Akin, Berry of Monroe, Chapman of Daviess, Chapman of Laporte, Coffin, Conner, Davis, Edmonson, English, Goodenow, Henry, Herriman, Jackson, Jones, Leviston, Parks, Pomeroy, Reyburn, Rockhill, Todd, Verbrike, Winchell, Wood, and Zenor—25.

So the Senate refused to recede.

The question then recurring upon receding from the second amendment,

It was decided in the negative.

The question then recurring upon receding from the third amendment,

It was decided in the negative.

The question then recurring upon receding from the 4th amendment, (providing for the extension of the road to New Albany.)

The ayes and noes were demanded by Messrs. Davis and Akin; and,

*Those who voted in the affirmative are,*

Messrs. Barbour, Berry of Monroe, Buell, Chapman of Daviess, Cuppy, English, Handy, Hardin, Herriman, Howell, Jackson, Jones, Leviston, Miller, Parks, Read, and Rockhill—18.

*Those who voted in the negative are,*

Messrs. Akin, Allison, Bowers, Chapman of Laporte, Chenowith, Coffin, Conner, Davis, Edmonson, Ellis, Goodenow, Hamrick, Henry, Holloway, Montgomery, Moore, Morgan of Decatur, Morgan of Rush, Orth, Pomeroy, Reyburn, Todd, Verbrike, Winchell, and Zenor—25.

So the Senate refused to recede.

Leave being granted,

Mr. Barbour, chairman of the committee on federal relations, made the following report:

MR. PRESIDENT:

The committee on federal relations, to whom was referred a joint resolution for the reduction of the price of public lands to actual

settlers," have had the same under consideration, and have directed me to report the same back, and recommend its passage.

The joint resolution was ordered to a third reading.

Leave being granted,

Mr. Rockhill, chairman of the committee on elections, submitted the following report:

MR. PRESIDENT:

The committee on elections, to whom was referred the certificates of the newly elected members of this Senate, have examined the same, and find upon such examination, the following named persons were duly elected members of this body on the first Monday in August last, in pursuance of the laws of this State, from the following counties, to wit:

From the counties of Delaware and Grant, Richard Winchell;

From the counties of Elkhart, Kosciusko and Whitley, Abraham Cuppy;

From the county of Henry, Eli Murphey;

From the county of Hendricks, Samuel A. Verbrike;

From the county of Harrison, John Zenor;

From the counties of Hamilton, Boone and Tipton, William W. Conner;

From the counties of Jennings and Bartholomew, Heman H. Barbour;

From the county of Johnson, Franklin Hardin;

From the counties of Jackson and Scott, Elisha G. English;

From the counties of St. Joseph, Marshall and Fulton, William G. Pomeroy;

From the county of Knox, Abner T. Ellis;

From the counties of Monroe and Brown, William Berry;

From the county of Putnam, Ambrose D. Hamrick;

From the county of Shelby, Augustus C. Handy;

From the county of Vermillion, Isaac Chenowith;

From the counties of Warrick, Perry and Spencer, Mason J. Howell;

From the counties of Warren, White, Jasper, Benton and Pulas-ki, William G. Montgomery.

Leave being granted,

Mr. Morgan of Decatur, chairman of the committee on unfinished business, made the following report:

MR. PRESIDENT:

The committee on unfinished business, to whom was referred the unfinished business of last session, report back all in their hands, and request that the same be placed in the State library.



Leave being granted,

Mr. Barbour, chairman of the committee on federal relations, made the following report:

MR. PRESIDENT:

The committee on federal relations, to whom was referred a joint resolution on the subject of the reduction of the price of public lands, have had the same under consideration, and have directed me to report the same back, and recommend its passage.

The joint resolution was ordered to a third reading.

A message from the House of Representatives:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House have concurred in the amendments reported by the committee of free conference to bill of the House,

No. 73. An act to provide for the re-appraisement of real estate heretofore appraised, and subject to taxation.

The Senate refused to concur in the amendments of the House to Senate bill No. 174;

No. 494. A joint resolution on the subject of the Wabash and Erie canal lands, from Terre Haute to Evansville;

Read a first and second times, the rules being suspended.

Mr. Winchell moved to lay said joint resolution upon the table;

The ayes and noes being desired by Messrs. Winchell and Barbour,

*Those who voted in the affirmative are,*

Messrs. Bowers, Buell, Cuppy, Ellis, Hardin, Lane, Morgan of Decatur, Morgan of Rush, Reyburn, Verbriek, and Winchell—12.

*Those who voted in the negative are,*

Messrs. Akin, Allison, Barbour, Berry of Monroe, Chapman of Daviess, Chapman of Laporte, Chenoweth, Coffin, Conner, Davis, Edmonson, English, Goodenow, Hamer, Hamrick, Handy, Henry, Herriman, Holloway, Howell, Jackson, Jones, Leviston, Miller, Montgomery, Moore, Orth, Parks, Pomeroy, Read, Rockhill, Todd, Wood and Zenor—34.

So the joint resolution was not laid upon the table.

Mr. Montgomery moved to indefinitely postpone the joint resolution;

Pending which motion,

On motion by Mr. Herriman,

The said resolution was laid upon the table.

A message from the House of Representatives:

MR. PRESIDENT:

I am directed by the House of Representatives, to inform the Senate, that the House have passed the following engrossed bills thereof:

No. 482. An act amendatory of the school law;

No. 454. An act to amend the estray law;

No. 441. An act to incorporate the New Albany and Corydon turnpike company;

No. 467. An act prescribing a uniform mode of ascertaining by weight the quantity of lime that shall pass for a bushel, in this State;

No. 461. An act to locate a State road from Greencastle in Putnam county, to Covington, in Fountain county.

In which the concurrence of the Senate is respectfully requested.

Bill No. 482, in said message, was read a first and second times, the rules being suspended, and,

On motion by Mr. Hardin,

Laid upon the table.

The following message was received from the House of Representatives, by Mr. Kinder, their Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate, that the House have adopted the following:

*Resolved*, That the Senate be invited to attend instanter in the Hall of the House, to proceed to the election of a superintendent of the Wabash and Erie canal, and Northern canal; and that seats be provided on the right of the Speaker's chair.

The Senate then according to order, proceeded to the election of a superintendent of the Wabash and Erie canal, Messrs. Ellis and English acting as tellers, on the part of the Senate; and on counting the votes on the first balloting, it appeared that,

James Bradley, received,	10 votes.
Stearnes Fisher, received,	56 votes.
Ebenezer F. Lucas, received,	51 votes.
Scattering,	6 votes.



No gentleman having received a majority of all the votes given, the convention proceeded to a second balloting, And upon counting the same, it appeared that,

Mr. Fisher, received,	66 votes.
Mr. Lucas, received,	52 votes.
Scattering,	3 votes.

Stearnes Fisher having received a majority of all the votes given, was declared by the President duly elected, for the term of two years, from and after the expiration of the term of the present incumbent.

The convention then proceeded to the election, by *viva voce* vote, of a superintendent on the Northern division of the Central canal.

*Those who voted for Basil Brown, are,*

Messrs. Akin, Allison, Barbour, Bowers, Buell, Chapman of Daviess, Chapman of Laporte, Chenowith, Coffin, Conner, Cuppy, Davis, Edmonson, Ellis, English, Goodenow, Handy, Hardin, Herriman, Holloway, Howell, Jackson, Lane, Miller, Montgomery, Moore, Morgan of Decatur, Murphey, Pomeroy, Read, Reyburn, Rockhill, Todd, Verbribe, Winchell, Zenor, Arnold, Baker, Bowman, Carr, Carnan, Carter, Clements, Brown, Cox, Cruikshank, Davis, Dole, Dowling, Edwards, Ellis, Fuller, Hall of Gibson, Hall of Warren, Harvey, Hazelrigg, Henry, Hill, Huff, Jackson, Julian, Kimberlin, Lemmonds, Logan, McCormack, McDonald, McRae, Mickle, Monroe, Mooney, Nofsinger, Osborn of Laporte, Osborn of Sullivan, Parker, Porter, Powers, Rippey, Robinson, Ruby, Secrest, Slater, Sleeth, Smith, Stanfield, Stapp, Taber, Tedford, Thompson, Tomlinson, Turner, Vandever, Watt, Webber, Wiley, Wilson of Noble, Wilson of Sullivan, and Mr. Speaker—95.

*Those who voted for John Thompson, are,*

Messrs. Berry of Monroe, Hamer, Hamrick, Orth, Brumfield, Cookerly, Ferguson, Henton, Kerr, Lowe, Moore, and Wise—12.  
Scattering, 5 votes.

Basil Brown having received a majority of all the votes given, was declared by the President duly elected for the term of two years, from and after the expiration of his present term of service, agent on the Northern division of the Central canal.

The President then adjourned the convention *sine die*.

The Senators returned to their Chamber.

Mr. Ellis moved to reconsider the vote refusing to pass Senate bill No. 206.

The ayes and noes being demanded by two Senators.

*Those who voted in the affirmative are,*

Messrs. Akin, Allison, Barbour, Berry of Monroe, Bowers, Buell, Chapman of Daviess, Chapman of Laporte, Coffin, Conner, Davis, Edmonson, Ellis, Hardin, Holloway, Howell, Jones, Miller, Morgan of Decatur, Murphey, Orth, Pomeroy, Read, Todd, Verbribe, and Zenor—26.

*Those who voted in the negative are,*

Messrs. Cuppy, English, Goodenow, Hamrick, Handy, Herriman, Lane, Montgomery, Moore, Morgan of Rush, Parks, Reyburn, Rockhill, and Winchell—14.

So the vote was reconsidered.

The question then recurring upon the passage of the bill, The ayes and noes were called for by two Senators, and,

*Those who voted in the affirmative are,*

Messrs. Akin, Allison, Barbour, Berry of Monroe, Buell, Chapman of Daviess, Chapman of Laporte, Coffin, Conner, Davis, Edmonson, Ellis, Holloway, Howell, Jones, Miller, Morgan of Decatur, Murphey, Orth, Todd, Verbribe, and Zenor—22.

*Those who voted in the negative are,*

Messrs. Cuppy, English, Goodenow, Hamrick, Handy, Hardin, Herriman, Jackson, Lane, Montgomery, Moore, Morgan of Rush, Parks, Pomeroy, Read, Reyburn, Rockhill, and Verbribe—18.

So the bill was passed.

The following message was received from the House of Representatives, by Mr. Kinder, their Clerk:

MR. PRESIDENT:

I am directed by the House to inform the Senate that the House have rescinded the 17th joint rule for the government of the two branches of the Legislature.

In which the concurrence of the Senate is requested.

Mr. Orth moved to concur in the amendments of the House to Senate bill No. 33.

Mr. Jones moved to concur, with the following amendment:

"And that all the scrip issued for the construction of said canal west of Lafayette shall bear interest at the rate of six per cent. per



"SEC. —. That S. V. B. Noel be allowed one hundred and fifty-six dollars for papers furnished the Senate under its resolution.

"SEC. —. That C. and J. Cox be allowed fifteen dollars for sundries furnished for the use of Senate.

"SEC. —. That Morrison and Spann be allowed eighty-four dollars for papers furnished the Senate and officers thereof.

"SEC. —. That G. A. and J. P. Chapman be allowed eighty-eight dollars and fifty-eight cents for papers furnished the Senate and officers thereof."

Mr. Herriman proposed to amend the bill as follows:

"SEC. —. That John B. Dillon be allowed one hundred dollars in addition to his present salary for his services as State Librarian."

Which amendment was adopted.

Mr. Barbour proposed to amend the bill as follows:

"SEC. —. That the Auditor of State be authorized and required to cause to be constructed a curbing and pavement around the State property, known as the Governor's Circle in Indianapolis, and draw his warrants on the Treasury for the payment thereof."

Which amendment was not adopted.

Mr. Reyburn proposed to amend the bill by allowing S. C. Hall eight dollars for printing a certain law.

Which amendment was not adopted.

Mr. Hardin proposed to amend the bill as follows:

"SEC. —. That L. Munsell be allowed two dollars for writing ink furnished for the use of the Senate during the present session."

Which amendment was adopted.

Mr. Morgan of Rush proposed to amend the bill by striking out so much thereof as allows three dollars per day to the Private Secretary of the Governor."

The ayes and noes being demanded by two Senators,

*Those who voted in the affirmative are,*

Messrs. Buell, Chapman of Laporte, Coffin, Goodenow, Hamrick, Handy, Henry, Holloway, Montgomery, Morgan of Decatur, Morgan of Rush, Murphey, and Parks—13.

*Those who voted in the negative are,*

Messrs. Akin, Allison, Barbour, Bowers, Chapman of Daviess, Cuppy, Davis, Edmonson, Ellis, English, Hardin, Herriman, Howell, Jackson, Jones, Lane, Moore, Orth, Pomeroy, Read, Reyburn, Rockhill, Todd, Verbribe, and Winchell—25.

So the amendment was not adopted.

Mr. Goodenow moved to amend the bill as follows:

Strike out "one dollar and fifty cents" as the pay of Michael Shea, and insert "three dollars."

Which was adopted.

Mr. Pomeroy proposed to amend the bill as follows:

"That George H. Dunn be allowed the sum of one hundred dollars for his services in compiling the school laws and making out forms for the use of common schools."

Mr. Handy moved to lay the amendment upon the table;

Which motion did not prevail.

The question then recurring upon the adoption of the amendment,

The ayes and noes were demanded by Messrs. Pomeroy and Barbour; and,

*Those who voted in the affirmative are,*

Messrs. Bowers, Buell, Chapman of Laporte, Coffin, Davis, Ellis, Goodenow, Holloway, Jones, Morgan of Decatur, Morgan of Rush, Murphey, Orth, Pomeroy, Reyburn, Rockhill, Todd, Verbribe, and Winchell—19.

*Those who voted in the negative are,*

Messrs. Akin, Allison, Barbour, Chapman of Daviess, Cuppy, Edmonson, English, Hamrick, Handy, Henry, Herriman, Howell, Jackson, Lane, Parks, and Read—17.

So the amendment was adopted.

Mr. Todd proposed to amend the bill as follows:

"That John O'Conner be allowed the sum of twelve dollars for services as woodman and fireman for four days prior to the commencement of the present session."

Which amendment was adopted.

Mr. Lane proposed to amend the bill as follows:

"SEC. —. That S. P. Daniels be allowed the sum of fifty dollars for extra services as State Librarian."

Which amendment was adopted.

Mr. Chapman of Laporte moved to amend the bill by striking out "\$3.00 per day" as an allowance for woodmen, and insert "\$3.00 per day for the first six weeks, and \$1.50 per day the remainder of the session."

Mr. Montgomery called for a division of the question;

The question then recurring upon striking out,

The ayes and noes were demanded by Messrs. Montgomery and Chapman of Laporte; and,

*Those who voted in the affirmative are,*

Messrs. Akin, Allison, Berry of Monroe, Bowers, Buell, Coffin,



Cuppy, Davis, Edmonson, Ellis, Hamrick, Handy, Hardin, Herriman, Howell, Jackson, Lane, Montgomery, Morgan of Decatur, Morgan of Rush, Murphey, Parks, Read, Reyburn, Rockhill, Verbribe, and Winchell—28.

*Those who voted in the negative are,*

Messrs. Barbour, Chapman of Laporte, English, Jones, Pomeroy, and Todd—6.

So the Senate decided to strike out.

The question then recurring upon the adoption of the amendment, The ayes and noes were called for by two Senators; and,

*Those who voted in the affirmative are,*

Messrs. Barbour, Bowers, Chapman of Daviess, Chapman of Laporte, Davis, English, Pomeroy, and Todd—8.

*Those who voted in the negative are,*

Messrs. Akin, Allison, Berry of Monroe, Coffin, Cuppy, Ellis, Hamrick, Handy, Hardin, Herriman, Howell, Jackson, Jones, Lane, Montgomery, Morgan of Decatur, Morgan of Rush, Murphey, Parks, Read, Reyburn, Rockhill, Verbribe, and Winchell—25.

No quorum voting,

The amendment was not adopted.

A message from the House of Representatives:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House have concurred in the amendments of the Senate to bills of the House,

No. 427. An act to exempt from taxation for corporation purposes certain lands within the limits of the city of Lawrenceburgh;

No. 445. An act to incorporate the Knightstown and Shelbyville Railroad Company.

The House of Representatives recedes from their amendment to bill of the Senate,

No. 3. An act to authorize the holding of special terms of the circuit court in the 12th judicial circuit.

The House have concurred in the amendment of the Senate to bill of the House,

No. 460. An act to incorporate the Madison and Napoleon Turnpike Company;

With one amendment;

In which the concurrence of the Senate is requested.

On motion,

The Senate adjourned.

MONDAY MORNING, JANUARY 19, 1846.

The Senate assembled.

On motion by Mr. Edmonson,

The reading of the Journal was dispensed with.

On motion,

The message of the House of Representatives containing a resolution in relation to rescinding the 17th joint rule was taken up.

On motion by Mr. Morgan of Rush,

The resolution was laid upon the table.

On motion by Mr. Davis,

The following message from the House of Representatives was taken up:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House insist on their disagreement to the amendments of the Senate to bill of the House,

No. 250. An act to incorporate the Ohio and Indianapolis Railroad Company;

And have appointed Messrs. Ferguson and Davis a committee of free conference on the part of the House of Representatives.

Messrs. Ellis and Edmonson were appointed a committee of free conference on the part of the Senate.

The following message from the House was then taken up:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House have passed the following engrossed bills thereof:

No. 470. An act to authorize the treasurer of Richardville county to sell lands returned delinquent for the non-payment of taxes;

No. 476. An act to dissolve the bonds of matrimony between Rowley McRay and Sarah McRay;

No. 489. An act in relation to the five per centum damages on selling lands forfeited to the sinking fund;

No. 488. A joint resolution relative to the naturalization law;

No. 494. A joint resolution on the subject of the Wabash and Erie canal lands from Terre Haute to Evansville;

No. 477. An act for the relief of E. F. Lucas;

No. 33. An act repealing an act making canal scrip receivable for tolls and water rents on the Wabash and Erie canal, &c.;



No. 259. An act to subdivide certain school lands in the counties of Randolph and Delaware, belonging to congressional township No. 8, in Monroe county;  
In which the concurrence of the Senate is requested.

Bill No. 470, in said message, was read a first time.

On motion by Mr. Morgan of Rush,

The rules were suspended, and the bill read a second and third times, and passed.

No. 476. Read a first, second, and third times, and passed;

No. 489. Read a first and second times, the rules being suspended, and,

On motion by Mr. Howell,

Laid upon the table.

No. 488. Read a first time,

On motion,

The rules were suspended, and the joint resolution read a second and third times, and passed.

No. 477. Read a first time,

On motion by Mr. Edmonson,

The rules were suspended, and the bill read a second and third times, and passed.

No. 259. Read a first and second times, the rules being suspended, and,

On motion,

Referred to a select committee of Messrs. Berry of Monroe, Zenor, and Hardin.

The Senate then, according to order, resolved itself into committee of the whole, on

No. 481. A bill (of the House) to raise revenue for the year 1846;

Mr. Edmonson in the chair.

And after sometime spent in the consideration thereof, the committee rose, the President resumed the chair, and the chairman reported that the committee had had said bill under consideration, and asked to be discharged from the further consideration thereof.

Mr. Holloway then proposed to amend the bill by striking out 25 cents as the amount assessed for State purposes, and insert 30 cents.

Mr. Lane called for a division of the question.

The question then recurring upon striking out.

The ayes and noes were called for by Messrs. Holloway and Hardin, and,

*Those who voted in the affirmative are,*

Messrs. Bowers, Buell, Chapman of Laporte, Cuppy, Ellis, Hardin, Henry, Holloway, Morgan of Rush, and Murphey—10.

*Those who voted in the negative are,*

Messrs. Akin, Allison, Barbour, Berry of Franklin, Berry of Monroe, Chapman of Daviess, Chenowith, Coffin, Davis, Edmonson, English, Goodenow, Hamer, Hamrick, Handy, Herriman, Howell, Jackson, Jones, Lane, Miller, Montgomery, Moore, Orth, Parks, Pomeroy, Read, Reyburn, Rockhill, Todd, Verbrike, Winchell, and Zenor—33.

So the Senate refused to strike out.

Mr. Hardin then proposed to amend the bill by striking out 75 cents in the *first* section, and insert 50 cents.

Mr. Edmonson called for a division of the question.

The question recurring upon striking out,

The ayes and noes were demanded by Messrs. Chapman of Laporte, and Hardin, and,

*Those who voted in the affirmative are,*

Messrs. Bowers, Buell, Chapman of Laporte, Cuppy, Ellis, Goodenow, Hardin, Henry, Murphey, Read, and Winchell—11.

*Those who voted in the negative are,*

Messrs. Akin, Allison, Barbour, Berry of Franklin, Berry of Monroe, Chapman of Daviess, Chenowith, Davis, Edmonson, English, Hamrick, Handy, Herriman, Holloway, Howell, Jackson, Jones, Lane, Miller, Montgomery, Moore, Morgan of Rush, Orth, Parks, Pomeroy, Reyburn, Rockhill, Todd, Verbrike, and Zenor—30.

So the Senate refused to strike out.

The question then recurring upon the passage of the bill,

The ayes and noes were called for by two Senators, and,

*Those who voted in the affirmative are,*

Messrs. Akin, Allison, Barbour, Berry of Franklin, Berry of Monroe, Chapman of Daviess, Chenowith, Coffin, Davis, Edmonson, Goodenow, Hamer, Hamrick, Handy, Herriman, Holloway, Howell, Jackson, Jones, Lane, Miller, Montgomery, Moore, Morgan, Orth, Parks, Pomeroy, Read, Rockhill, Todd, Verbrike, Winchell, and Zenor—33.

*Those who voted in the negative are,*

Messrs. Bowers, Buell, Chapman of Laporte, Cuppy, Ellis, English, Hardin, Henry, Murphey, and Read—10.

So the bill was passed.



## HOUSE BILLS ON THIRD READING.

No. 446. Read a third time and passed.

No. 426. An act to provide for a settlement with the superintendent of the State Prison;

Read a third time.

Mr. Davis moved to recommit the bill to a select committee with instructions to provide that the Governor shall cause the work on the new prison to be forthwith suspended in case the same can be done without injury of the State;

Which motion prevailed.

And Messrs. Davis, Read, and Chapman of Laporte, were appointed said committee.

No. 377. A joint resolution;

Read a third time.

Mr. Hamrick moved to lay the joint resolution upon the table.

The ayes and noes being called for by Messrs. Henry and Hamrick,

*Those who voted in the affirmative are,*

Messrs. Allison, Davis, Hamrick, Holloway, Howell, Morgan of Rush, Murphey, Reyburn, Todd, Verbrike, and Winchell—11.

*Those who voted in the negative are,*

Messrs. Akin, Barbour, Berry of Franklin, Berry of Monroe, Buell, Chapman of Daviess, Chapman of Laporte, Cuppy, English, Goodenow, Hamer, Hardin, Henry, Herriman, Jackson, Jones, Montgomery, Orth, Parks, Pomeroy, Read, Rockhill, and Zenor—24.

So the joint resolution was not laid upon the table.

The joint resolution was then passed.

No. 179. A joint resolution;

Read a third time and passed.

No. 493. A bill making specific appropriations for the year 1846;

When the bill was last under consideration, there was pending an amendment proposed by Mr. Chapman of Laporte, proposing to strike out "\$3,00 per day as allowance for wood men," and insert "\$3,00 per day for the first six weeks, and \$1,50 per day for the remainder of the session."

The question recurring on the adoption of said amendment,

The ayes and noes were called for by Messrs. Buell and Hardin, and,

*Those who voted in the affirmative are,*

Messrs. Barbour, Chapman of Daviess, Chapman of Laporte, Davis, Edmonson, English, Goodenow, Jones, Miller, Orth, Pomeroy, and Todd—12.

*Those who voted in the negative are,*

Messrs. Akin, Allison, Berry of Franklin, Berry of Monroe, Bowers, Buell, Chenowith, Coffin, Cuppy, Hamer, Hamrick, Handy, Hardin, Henry, Herriman, Holloway, Howell, Jackson, Montgomery, Moore, Morgan of Rush, Murphey, Parks, Read, Reyburn, Rockhill, Winchell, and Zenor—28.

So the amendment was not adopted.

Mr. Lane then moved to amend, by allowing said wood men \$2,00 per day.

*Those who voted in the affirmative are,*

Messrs. Akin, Allison, Barbour, Berry of Franklin, Bowers, Chapman of Daviess, Davis, Edmonson, English, Hamer, Herriman, Jones, Miller, Moore, Orth, Pomeroy, Read, Rockhill, Todd, Verbrike, Winchell, and Zenor—21.

*Those who voted in the negative are,*

Messrs. Berry of Monroe, Buell, Chapman of Laporte, Chenowith, Coffin, Cuppy, Goodenow, Hamrick, Handy, Hardin, Henry, Holloway, Howell, Jackson, Montgomery, Morgan of Rush, Murphey, Parks, Reyburn, and Winchell—20.

So the amendment was adopted.

Mr. Herriman proposed to amend the bill as follows:

Strike out after the words "John H. Farquhar," the words "twenty dollars," and insert the following:

"Be allowed the same compensation that other clerks receive for the discharge of the same duties."

Which amendment was not adopted.

Mr. Buell moved to amend the bill by striking out four dollars per day as an allowance to Delana R. Eckels, and insert "fifty dollars."

Mr. Chapman of Laporte moved to amend the amendment, by allowing said Eckels three dollars per day for the time he was actually employed.

Which amendment was adopted.

Mr. Buell's amendment, as amended, was then adopted.

A message from the House of Representatives:



MR. PRESIDENT:

I am instructed by the House of Representatives to inform the Senate that the House have passed the following engrossed bills of the Senate, without amendment:

No. 71. An act to amend an act entitled, "An act abolishing the office of county auditor in certain counties therein named," approved January 15, 1844;

No. 266. An act to provide for the support of paupers in Allen county;

No. 179. An act to amend the 109th section of the sixteenth chapter of the Revised Laws of 1843, on the subject of the road tax.

The House recede from their amendment to bill of the Senate,

No. 174. An act to provide for the appointment of township assessors in the counties of Monroe and Morgan.

The House have concurred in the amendment of the Senate to bills of the House numbered 245, 334, 485, 434.

Mr. Todd proposed to amend the bill by inserting the following section:

"That Joshua Soule, Jr., Thomas Marks, N. R. Wild, and James G. Jordan, clerks employed by his Excellency the Governor in making the final selection of land appropriated for the completion of the Wabash and Erie canal from Terre Haute to Evansville, be each allowed an additional sum of one dollar per day for their services whilst thus employed."

On motion by Mr. Handy,

The amendment was laid upon the table.

Leave being granted,

Mr. Ellis, from a committee of free conference, made the following report:

MR. PRESIDENT:

The committee of free conference appointed to take into consideration, with a similar committee on the part of the House, the disagreement of the two Houses in relation to the amendment of the Senate to House bill No. 250, incorporating the Ohio and Indianapolis Railroad Company, have instructed me to report that they have been unable to come to any agreement upon the subject, and respectfully ask to be discharged from the further consideration of the subject.

Which report was concurred in.

On motion by Mr. Edmonson,

Another committee of free conference was appointed, in relation to the same subject, consisting of Messrs. Edmonson and Ellis.

Mr. Orth then proposed to amend the said bill, No. 493, as follows:

"That A. Bird be allowed the sum of twenty-five dollars and seventy cents, for goods furnished for the use of the present General Assembly."

Which amendment was adopted.

Mr. Buell then proposed to amend the bill by providing that the assistant doorkeepers of the two Houses shall be entitled to two dollars per day each.

Which amendment was not adopted.

"That the per diem allowance of Secretaries of the Senate and the House of Representatives shall be the same allowed members of the two Houses, and no more."

The ayes and noes being called for by Messrs. Davis and Buell,

*Those who voted in the affirmative are,*

Messrs. Berry of Franklin, Buell, Goodenow, Henry, and Winchell—5.

*Those who voted in the negative are,*

Messrs. Akin, Allison, Barbour, Bowers, Chapman of Daviess, Chapman of Laporte, Chenowith, Coffin, Cuppy, Davis, Edmonson, English, Hamer, Hamrick, Handy, Hardin, Herriman, Holloway, Howell, Jackson, Jones, Lane, Moore, Morgan of Rush, Murphey, Orth, Parks, Pomeroy, Reyburn, Rockhill, Todd, Verbriek, and Zenor—33.

So the amendment was not adopted.

Mr. Chapman of Laporte proposed to amend the bill as follows:

"Sec. —. That the act approved January 17, 1846, allowing the Auditor and Secretary of State a compensation for issuing canal land patents be so amended that the allowance to the Auditor shall be fifty cents, instead of twenty-five cents, for each certificate by him countersigned; and the allowance to the Secretary shall be fifty cents, instead of seventy-five cents, for each patent by him issued and recorded."

Which amendment was adopted.

Mr. Allison proposed to amend the bill by striking out of the sixteenth section "twenty-eight dollars," and insert "twenty-five dollars."

Which was not adopted.

Mr. Parks moved to reconsider the vote by which the bill was amended so as to allow the State Librarian one hundred dollars in addition to his regular salary.

The ayes and noes being demanded by Messrs. Parks and Davis,



*Those who voted in the affirmative are,*

Messrs. Berry of Franklin, Berry of Monroe, Chapman of Daviess, Cuppy, English, Hamer, Hamrick, Handy, Hardin, Henry, Jackson, Miller, Parks, and Read—14.

*Those who voted in the negative are,*

Messrs. Akin, Allison, Barbour, Bowers, Buell, Chapman of Laporte, Chenowith, Coffin, Davis, Edmonson, Goodenow, Herriman, Holloway, Howell, Jones, Montgomery, Moore, Morgan of Rush, Murphey, Orth, Pomeroy, Reyburn, Verbribe, Winchell, and Zenor—25.

So the vote was not reconsidered.

Mr. Edmonson moved to suspend the rules and read the bill a third time.

The ayes and noes being desired by Messrs. Parks and Buell,

*Those who voted in the affirmative are,*

Messrs. Akin, Allison, Barbour, Bowers, Chapman of Daviess, Chapman of Laporte, Chenowith, Coffin, Davis, Edmonson, English, Goodenow, Hamer, Hamrick, Herriman, Howell, Jones, Miller, Moore, Pomeroy, Reyburn, Todd, Verbribe, and Zenor—24.

*Those who voted in the negative are,*

Messrs. Berry of Franklin, Berry of Monroe, Buell, Cuppy, Handy, Hardin, Henry, Holloway, Jackson, Montgomery, Morgan of Rush, Murphey, Orth, Parks, Read, and Winchell—16.

So the rules were suspended, and the bill read a third time.

On the passage of the bill,

The ayes and noes being demanded by two Senators,

*Those who voted in the affirmative are,*

Messrs. Akin, Allison, Bowers, Chapman of Daviess, Chapman of Laporte, Chenowith, Coffin, Davis, Edmonson, English, Goodenow, Hamer, Hamrick, Howell, Jones, Miller, Pomeroy, Reyburn, Rockhill, Todd, Verbribe, and Zenor—21.

*Those who voted in the negative are,*

Messrs. Berry of Franklin, Berry of Monroe, Barbour, Buell, Cuppy, Handy, Hardin, Henry, Herriman, Holloway, Jackson, Montgomery, Morgan of Rush, Murphey, Orth, Parks, Read, and Winchell—18.

So the bill was passed.

Leave being granted,

Mr. Davis, from a select committee, made the following report :

MR. PRESIDENT :

The select committee to whom was referred bill of the House of Representatives No. 426, to provide for a settlement with the superintendent of the State Prison, have, in obedience to the instructions of the Senate, had the same under consideration, and have made one amendment thereto, and upon the adoption of said amendment the committee recommend the passage of said bill.

Amend as follows:

"Sec. — The Governor shall cause the work on the new prison to be forthwith suspended in case the same can be done without injury to the State."

Which report was concurred in, and the amendment adopted.

The bill as amended, was then read a third time, the rules being suspended, and passed.

Leave being granted,

Mr. Berry of Monroe, from a select committee, submitted the following report:

MR. PRESIDENT :

The select committee to whom was referred bill of the House No. 257, entitled "An act to subdivide certain school lands in the counties of Randolph and Delaware, belonging to congressional township No. 8, in Monroe county, have had that subject under consideration, and have directed me to report the bill back to the Senate, with one amendment, and with said amendment, recommend its passage.

Amend the bill as follows:

"*Provided*, That any payment made upon the said 80 acre tracts shall not be all transferred to any one half thereof, to wit: on any one 40 acre tract, but shall be equally divided on each 40.

"*And provided further*, That no deed for a 40 acre tract shall be made, until the auditor of Randolph or Delaware county, as the case may be, certify that the 40 acres not so paid out is fully worth the balance of the purchase money.

Which report was concurred in, and the amendments adopted.

Mr. Todd, chairman of the committee on education, made the following report:



MR. PRESIDENT:

Bill of the House No. 455, was referred to the education committee at so late an hour as to preclude the hope of having any action of the committee on it; I therefore report it back for the action of the Senate; it is entitled "An act to allow the principal and teachers of the deaf and dumb asylum to use the books in the State Library."

On motion by Mr. Todd,  
The rules were suspended, and the bill read a third time, and passed.

Mr. Todd, chairman of the committee on education, made the following report:

MR. PRESIDENT:

Certain written communications from R. Mayhew, Esq., superintendent of common schools, and from other persons, in relation to the subject of our common school system, are hereby reported back to the Senate by the chairman of the committee, with the recommendation that they be filed for future use with the other documents of the General Assembly.

Which report was concurred in.

Mr. Chapman of Laporte, chairman of the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred bill of the House No. 396, have had the same under consideration, and have directed me to report the same back, and recommend its passage.

The bill was then read a third time, the rules being suspended, and passed.

Mr. Chapman of Laporte, chairman of the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred bill of the House No. 332, have had the same under consideration, and have directed me to report the same back, and recommend its passage.

The bill was then read a third time, the rules being suspended, and passed.

Mr. Ellis, from a committee of free conference, made the following report:

MR. PRESIDENT:

The committee of free conference appointed to take into consideration with a similar committee on the part of the House, the disagreement of the two Houses in relation to the amendments of the Senate to House bill No. 250, incorporating the Ohio and Indianapolis rail road company, after having had the same under consideration, have instructed me to report that they have come to the following agreement: that it be recommended to the House to concur in amendments of the Senate, with the following amendments:

Amendment to the 4th amendment of the Senate:

Strike out the word "continue," and insert in lieu thereof, "commit." Insert, "with a rail road at Jeffersonville, extending to the city of New Albany," after the words "contemplated in this act."

Strike out the word "continuing" wherever it may occur in said fourth amendment, and insert in lieu thereof the word "constructing."

Which report was concurred in.

Mr. Chapman of Laporte, chairman of the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to which was referred the petition of sundry citizens of Grant county, on the subject of shooting for beef, &c., have directed me to report the same back and recommend that it is inexpedient to legislate on that subject.

Which report was concurred in.

Mr. Chapman of Laporte, chairman of the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to which was referred bill of the Senate No. 262, have had the same under consideration, and have directed me to report the same back and recommend its indefinite postponement.

The report was concurred in.

The following message from the House of Representatives was then taken up:



MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House have passed the following engrossed bills thereof:

No. 399. An act to incorporate the Milton and Lewisville Turnpike Road Company;

No. 406. An act to incorporate the Fort Wayne and Cambridge City Railroad Company;

No. 495. An act to establish a free turnpike road in Allen county;

No. 284. An act to incorporate the Madison Fire Insurance Company;

No. 398. An act to amend an act entitled, "An act to incorporate the Terre Haute Draw-bridge Company," approved Jan. 13, 1845;

In which the concurrence of the Senate is respectfully requested.

Bill No. 495, in said message, was read a first, second, and third times, the rules being suspended, and passed.

No. 406; read a first and second times, the rules being suspended, and,

On motion by Mr. Handy,

Referred to the committee on corporations.

No. 398; read a first and second times, the rules being suspended, and,

On motion by Mr. Handy,

Referred to the committee on corporations.

No. 284; read a first and second times, the rules being suspended, and,

On motion by Mr. Davis,

Laid upon the table.

No. 495; read a first time.

On motion by Mr. English,

The rules were suspended and the bill read a second and third times, and passed.

No. 454; read a first and second times, the rules being suspended, and,

On motion by Mr. Morgan of Rush,

Laid upon the table.

No. 461; read a first, second, and third times, the rules being suspended, and passed.

No. 467. A bill establishing by weight the quantity of lime in a bushel;

Read a first and second times, the rules being suspended, and,

On motion by Mr. Hardin,

Laid upon the table.

No. 441; read three times, the rules being suspended, and passed.

# HOUSE BILLS ON SECOND READING.

No. 386. A bill granting the citizens of Lawrenceburgh a city charter, and repealing all laws and parts of laws heretofore enacted on that subject;

Read a second and third times, the rules being suspended, and passed.

A message from the House of Representatives:

MR. PRESIDENT:

I am instructed by the House of Representatives to inform the Senate that the House have passed the following engrossed bill of the Senate, with one amendment:

No. 264. An act in relation to the canal scrip issued for the construction of the Wabash and Erie canal west of Lafayette;

In which the concurrence of the Senate is respectfully requested.

Amend by striking out all after the words "six per cent. per annum."

On concurring in the report,

The ayes and noes were called for by Messrs. Jones and Herriman, and

*Those who voted in the affirmative are,*

Messrs. Akin, Barbour, Coffin, Hamer, Howell, Jackson, Jones, Orth, Reyburn, and Todd—10.

*Those who voted in the negative are,*

Messrs. Berry of Franklin, Berry of Monroe, Chapman of Laporte, Herriman, Holloway, Montgomery, Morgan of Rush, Parks, Read, Winchell, and Zenor—13.

No quorum voting.

The following communication was received from his Excellency the Governor, by Mr. Powers:

MR. PRESIDENT:

I am directed by his Excellency the Governor to inform the Senate that he has this day approved and signed:

No. 205. An act to locate a State road in Fountain and Warren counties;



No. 191. An act for the relief of Ann Evans, of Martin county;  
 No. 184. An act to charter the Alumni of Hanover College;  
 No. 166. An act to divorce Matilda Knight, of Clay county;  
 No. 171. An act for the relief of Sarah Gregory, of Laporte county;  
 All of which originated in the Senate.

A message from the House of Representatives:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House continue to insist upon their disagreement to the amendments of the Senate to bill of the House,

No. 250. A bill incorporating the Ohio and Indianapolis Railroad Company;

And have appointed a second committee of free conference on that subject, consisting of Messrs. Mooney and Carr.

Mr. Allison, from the committee on enrolled bills, made the following report:

MR. PRESIDENT:

The committee on enrolled bills have compared the enrolled with the engrossed bills of the Senate, Nos. 268, 246, and 109, and find them correctly enrolled.

The following message from the House was taken up:

MR. PRESIDENT:

I am instructed by the House of Representatives to inform the Senate that the House have passed engrossed bill thereof,

No. 472. An act to amend the 218th section of the thirteenth chapter of Revised Code, page 267;

In which the concurrence of the Senate is respectfully requested.

The bill was read a first time.

On motion by Mr. Todd,

The rules were suspended, and the bill read a second and third times and passed.

Mr. Allison, from the committee on enrolled bills, made the following report:

MR. PRESIDENT:

The committee on enrolled bills have compared the enrolled with the engrossed bills of the Senate Nos. 173, 229, 242, 257, 251, 255, 218, 249, 473, 190, 226, 231, 228, 216, 25, 3, 220, 194, 93, 233, 211, 256, 266, 234, 258, 160, 71, 208, 6, 236, 13, and 240, and find them correctly enrolled.

Mr. Allison, from the committee on enrolled bills, made the following report:

MR. PRESIDENT:

The committee on enrolled bills found among the same, bill No. 227, defining the duties of county auditors and school commissioners, unaccompanied with the engrossed, which cannot be found by the Secretary of State.

Mr. Chapman of Laporte, chairman of the committee on the judiciary, submitted the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred bill of the Senate No. 175, have directed me to report the same back to the Senate.

On motion by Mr. Orth,  
 The bill was indefinitely postponed.

Mr. Berry of Monroe asked and obtained leave to withdraw certain petitions in relation to the establishment of the deaf and dumb asylum.

Mr. Davis asked and obtained leave to withdraw the petition of sundry citizens of Floyd county in relation to the sale of intoxicating liquors.

The following communication was received from his Excellency, the Governor, by Mr. Powers:

MR. PRESIDENT:

I am directed by his Excellency the Governor to inform the Senate that he has this day approved and signed:

No. 146. An act providing for a change in the location of the feeder dam across Sugar creek, in Parke county;

No. 148. An act to provide for the distribution of certain public documents;

No. 203. An act for the relief of Benjamin H. Scott, of Miami county;



No. 12. A joint resolution for the continuation and completion of the Cumberland road;

No. 200. An act authorizing the erection of suitable buildings for the use of the Indiana Hospital for the Insane;

No. 452. An act fixing the time of holding the courts in the 9th judicial circuit;

No. 153. An act fixing a certain annual compensation for the auditor of Boone county;

No. 106. An act abolishing the road tax in the county of Daviess;

No. 137. An act to revive and amend a certain act therein named;

No. 225. An act to repeal a certain act therein named so far as the counties of Monroe and Owen are concerned.

No. 219. An act relative to the June term of the Tippecanoe circuit court;

No. 172. An act in relation to the Laporte county library;

No. 185. An act to incorporate the Covington Band of Musicians;

No. 66. An act to extend time to the borrowers of the sinking fund and other trust funds;

No. 129. An act to vacate sixteen town lots in the town of Harrisonville;

All of which originated in the Senate.

The following message from the House was taken up:

MR. PRESIDENT:

I am directed by the House to inform the Senate that the House have passed the following engrossed joint resolution of the Senate, with amendment:

No. 9. A joint resolution on the subject of the Oregon territory; In which the concurrence of the Senate is requested.

"Amend by instructing our Senators and requesting our Representatives in Congress to oppose the surrender of a single foot of American soil in Oregon."

Which amendment was unanimously concurred in by the Senate.

Mr. Barbour offered the following resolution, which was adopted:

WHEREAS, The Governor, in consequence of sickness, is unable to sign a large number of bills passed by this Legislature by the time fixed by a resolution of the Legislature for its adjournment, by reason of which a large amount of important legislation will fail unless the said time be extended for one day; AND WHEREAS, It is believed that by the suspension of said resolution for one day the Governor will be enabled to sign all important bills; therefore,

*Resolved*, That said resolution be rescinded, and its operation suspended, till the 20th January, 1846, at which time, the House concurring therein, the Legislature will adjourn, sine die.

*Resolved, further*, That neither House will entertain any business on the last day of the session except reports from the Governor.

Mr. Allison, from the committee on enrolled bills, made the following reports:

MR. PRESIDENT:

The committee on enrolled bills have compared the enrolled with the engrossed bills of the Senate Nos. 237, 217, 236, 254, 253, 200, and 170, and find them correctly enrolled.

MR. PRESIDENT:

The committee on enrolled bills have compared the enrolled with the engrossed bills of the Senate Nos. 165, 182, 89, 112, and 168, and find them correctly enrolled.

MR. PRESIDENT:

The committee on enrolled bills have compared the enrolled with the engrossed bills of the Senate Nos. 247, 179, 260, 209, 195, 221, 213, 33, 245, 261, 238, 114, 214, 223, and 265, and find them correctly enrolled.

On motion,  
The Senate adjourned.

2 o'clock, P. M.

The Senate met.

A message from the House of Representatives.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate, that the House have reciprocated the preamble and resolutions of the Senate on the subject of rescinding the resolution to adjourn on the 19th, and resolving that the legislature do adjourn on the 20th instant.

A further message from the House.



MR. PRESIDENT:

The House of Representatives have instructed me to inform the Senate, that the House has concurred in the report of the committee of free conference, appointed to take into consideration the disagreements of the two Houses in relation to bill (of the House) No. 250, entitled "A bill to incorporate the Ohio and Indianapolis railroad company.

A message from his Excellency the Governor.

MR. PRESIDENT:

I am directed by his Excellency, the Governor, to inform the Senate that he has this day approved and signed:

No. 33. An act repealing an act for the completion of the Wabash and Erie canal, from the mouth of Tippecanoe river, to Terre Haute, approved January 1st, 1843;

No. 53. An act to provide for the continuation of the Madison and Indianapolis railroad to Lafayette;

No. 67. An act to apportion Senators and Representatives for the next five years;

No. 93. An act relative to the water power at Northport, in Noble county;

No. 169. An act for the relief of Moses Noble of Vanderburgh county, and Harrison Borer of Perry county;

No. 180. An act to dissolve the bonds of matrimony heretofore and now existing between William Beckford and Elizabeth Beckford.

All of which originated in the Senate.

The following message was received from the House of Representatives, by Mr. Kinder, their Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives, to inform the Senate, that the House have concurred in the amendments of the Senate, to bill of the House,

No. 493. An act making specific appropriations for the year 1846; Numbers 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 16, 19, and 20.

And have refused to concur in 1st, 13, 14, 17, and 18.

The House have also concurred in the 15th amendment, with an amendment, strike out "twelve" and insert "eight."

On motion by Mr. Chapman of Laporte,

The Senate insisted upon their following amendments, and receded from the others.

SEC. —. That John B. Dillon, be allowed one hundred dollars, in addition to his present salary, for his services as State Librarian.

SEC. — That George H. Dunn, be allowed one hundred dollars for his services in compiling the school laws and making out forms for the use of common schools.

SEC. —. In the 7th section strike out four dollars for his services, and insert three dollars, per day, for every day he may have actually served.

The amendment of the House was concurred in.

A message from the Governor.

MR. PRESIDENT:

I am directed by his Excellency, the Governor, to inform the Senate, that he has this day approved and signed;

No. 259. An act to legalize certain sales therein mentioned.

Which originated in the Senate.

Leave being granted,

Mr. Barbour introduced,

No. 268. A bill fixing the time of holding courts in the 5th judicial circuit;

Which was read a first time,

On motion by Mr. Barbour,

The rules were suspended, and the bill read a second and third times, and passed.

Mr. Jackson moved to take from the table,

No. 165. A bill to change the name of Aberdeen town in Hamilton county;

Which motion prevailed.

On motion by Mr. Jackson,

The rules were suspended, and the bill read a third time, and passed.

A message from the House of Representatives:

MR. PRESIDENT:

I have been directed by the House of Representatives to inform the Senate that the House has passed engrossed bill thereof:

No. 85. An act declaratory of the meaning of an act entitled "An act authorizing the commissioner of the Wabash and Erie canal, east and west of Tippecanoe, to sell lands in tracts of forty acres;

In which the concurrence of the Senate is respectfully requested.

The said bill was read a first time;

On motion by Mr. Orth,

The rules were suspended, and the bill read a second and third times, and passed.



A message from the House by Mr. Kinder, their Clerk:

MR. PRESIDENT:

I am instructed by the House of Representatives to inform the Senate that the House of Representatives insist upon their disagreement to the amendments of the Senate, Nos. 1, 14, and 18, and that they have appointed Messrs. Secrest and Lowe on the part of the House a committee of free conference, to take into consideration the disagreement.

Messrs. Orth and Ellis were appointed a committee on the part of the Senate.

Mr. Orth, from said committee, made the following report:

MR. PRESIDENT:

The committee of free conference on the part of the Senate, to take into consideration the disagreement between the two Houses on the amendments of the Senate to engrossed bill of the House, No. 493, making specific appropriations, beg leave to report that after due deliberation and conference, they have been unable to agree to any compromise, and recommend to the Senate that they insist upon their second amendment.

Which report was concurred in.

A message from the House of Representatives:

MR. PRESIDENT:

I am instructed by the House of Representatives to inform the Senate that the House have appointed Messrs. Meeker and Thompson as a second committee of free conference on bill of the Senate, No. 493. A bill making specific appropriations for 1846.

On motion by Mr. Pomeroy,

A second committee, on the part of the Senate, was appointed, consisting of Messrs. Pomeroy and English.

The Senate took a recess of fifteen minutes.

After which,

Mr. Pomeroy, from the committee of free conference, on the specific appropriation bill, reported that the committees of the two Houses had compromised by receding from the allowance to the State Librarian, and postponing the payment of the allowance to George H. Dunn, until next winter.

Which report was not concurred in.

The following message was received from the House of Representatives by Mr. Kinder, their Clerk:

MR. PRESIDENT:

I am instructed by the House of Representatives to inform the Senate that the House have concurred in the report of the committee of free conference on the disagreement of the two Houses to bill of the House,

No. 493. An act making specific appropriations for the year 1846.

On motion by Mr. Hamrick,

A third committee was appointed on the part of the Senate, consisting of Messrs. Davis and Bowers.

A message from the House of Representatives by Mr. Kinder, their Clerk:

MR. PRESIDENT:

I am instructed by the House of Representatives to inform the Senate that the House of Representatives have appointed a third committee of free conference to take into consideration the disagreement of the two Houses, and have appointed Messrs. Carr and Porter on the part of the House.

Mr. Handy offered the following resolution:

*Resolved*, That when the Senate adjourn it adjourn till to-morrow morning, nine o'clock.

Which was adopted.

Mr. Davis, from the committee on free conference, made the following report:

MR. PRESIDENT:

The committee of free conference appointed on behalf of the Senate to take into consideration the disagreement of the two Houses, report that they have agreed to refer the claim of George H. Dunn to the Secretary, Auditor, and Treasurer of State for adjustment and payment, not to exceed one hundred dollars. They have agreed to allow John B. Dillon sixty dollars. And have agreed to allow Delana R. Eckles three dollars and fifty cents per day for each day he may have served as clerk to the committee of ways and means.

Which report was concurred in by the Senate.

A message from the House of Representatives by Mr. Kinder, their Clerk:



MR. PRESIDENT:

I am directed to inform the Senate that the House have concurred in the report of the committee of free conference on the specific appropriation bill No. 493.

I am also directed by the House of Representatives to inform the Senate that the House have passed bill of the Senate,

No. 268. An act fixing the time of holding courts in the fifth judicial circuit.

On motion,  
The Senate adjourned.

TUESDAY MORNING, JANUARY 20, 1846.

The Senate assembled.

On motion by Mr. Howell,  
The reading of the journal was dispensed with.

Mr. Ellis offered the following resolution:

*Resolved*, That a committee of two be appointed to act with a similar committee on the part of the House, to wait upon his excellency, the Governor, and inform him that both Houses have gone through with their Legislative business, and are now ready to adjourn, *sine die*, if he has no further communication to make to them, and that the House be informed of the adoption of this resolution.

Which was adopted;

And Messrs. Ellis and Howell were appointed the said committee on the part of the Senate.

*Ordered*, That the Secretary inform the House of the adoption of said resolution.

The following message was received from the House of Representatives by Mr. Kinder, their Clerk:

MR. PRESIDENT:

I am directed by the House to inform the Senate that the House have reciprocated the resolution of the Senate in relation to waiting upon

his Excellency, the Governor, and have appointed Messrs. Stapp and Riley said committee on the part of the House.

On motion,  
The Senate adjourned.

2 o'clock, P. M.

The Senate met.

Mr. Lane, from the committee on enrolled bills, made the following report:

MR. PRESIDENT:

The committee on enrolled bills have compared the following enrolled with the engrossed bills of the Senate, and have found the same correctly enrolled, to wit:

No. 239. An act to enable the township of Lawrenceburgh, in Dearborn county, to turnpike all the roads within the same;

No. 97. An act defining the duties of county treasurer, county auditor, and supervisor of highways in the counties of Rush and Hancock;

No. 199. An act to incorporate the Mount Carmel Hall of Liberty, in Franklin county;

No. 248. An act supplemental to the act approved January the 6th, 1846, entitled "An act to amend an act entitled An act to incorporate the Buffalo and Mississippi railroad company," approved February 6, 1835;

No. 164. An act for the relief of James P. Creager, of Knox county;

No. 9. A joint resolution on the subject of the Oregon boundary.

A message from his Excellency, the Governor, by Mr. Powers:

MR. PRESIDENT:

I am directed by his Excellency, the Governor, to inform the Senate that he has this day approved and signed,

No. 71. An act to incorporate the Crawfordsville and Wabash railroad company;

No. 104. An act to incorporate the Fort Wayne and Lima turnpike company;



No. 224. An act to authorize the removal of obstructions in Big Creek, in Posey, and for other purposes;

No. 156. An act amendatory to an act authorizing the President and Council of the town of Lawrenceburgh to subscribe for and take part of the capital stock of the Lawrenceburgh and Napoleon turnpike company;

No. 91. An act abolishing the highway tax so far as the county of Morgan is concerned;

No. 76. An act to amend an act relative to the school fund of Lagrange county;

No. 161. An act providing for the better payment of the mortgages due the University fund, and other trust funds;

No. 139. An act to provide for the erection of a monument on the Tippecanoe battle ground;

No. 136. An act to amend an act to incorporate the Indiana Church, approved December 7, 1810, and an act amendatory thereto, approved January 22, 1818;

No. 207. An act for the relief of the securities of William Johnson, late collector of Sullivan county;

No. 135. An act to amend an act to incorporate the Lawrenceburgh and Harrison turnpike company, approved February 6, 1836;

No. 10. A joint resolution on the subject of liens upon real estate;

No. 222. An act to locate a State road in Shelby county;

No. 40. An act supplemental to an act entitled An act for the relief of Nathan Burchfield, approved February 11th, 1843;

No. 15. A joint resolution in relation to the Indiana Historical Society;

No. 176. An act to authorize the President and Trustees of the town of Lafayette, in Tippecanoe county to open and grade streets, and construct side walks in said town;

No. 105. An act to locate a State road in the counties of Fountain and Warren;

No. 114. An act to amend the act relative to the asylum for the education for the Deaf and Dumb;

No. 249. An act for the relief of Theodore K., Ann Maria, and Charlotte Brackenridge, heirs of George Brackenridge, deceased;

No. 216. An act for the relief of Elizabeth Preston;

No. 242. An act to repeal an act entitled an act authorizing the election of certain officers in the town of Indianapolis, approved January 15, 1844, and reviving the old law;

No. 223. An act transferring the duties of the agent of the surplus revenue fund, in Scott county, to the school commissioner of said county;

No. 265. An act for the relief of Adam Firebaugh, of Warren county, Indiana;

No. 89. An act for the relief of purchasers of canal lands;

No. 251. An act to change a part of the State road from McDonauld's ferry, in Clark county, to Brownstown, in Jackson county;

No. 220. An act repealing a part of an act entitled an act, declaring the Mississinewa river, a public highway, approved January 13, 1844;

No. 194. An act for the relief of Peter N. Clark, of Marion county;

No. 233. An act for the relief of Cyrus Lomax, of Orange county;

No. 3. An act entitled an act to authorize the holding of special terms of the circuit courts in the 12th judicial circuit;

No. 246. An act for the relief of the owners of certain canal lands;

No. 109. An act in relation to county auditors;

No. 268. An act fixing the time of holding courts in the fifth judicial circuit;

No. 73. An act to incorporate the Peru and Indianapolis railroad company;

No. 231. An act to organize a school district in the county of Sullivan;

No. 228. An act to locate a State road from Point Commerce in Greene county, to Feeder dam on Eel river, in Clay county;

No. 226. An act amendatory of an act entitled "An act relative to the appointment of county commissioners of the several counties of this State to act as boards of library trustees in their respective counties, and for other purposes, approved January 6, 1845;

No. 214. An act to authorize Joshua Small and Ephraim Overman, to erect a mill dam across the Mississinewa river;

No. 173. An act to incorporate the Greensfork and Hagerstown turnpike company;

No. 255. An act to authorize the removal of obstructions in Big and Little Blue river, in Shelby county;

No. 112. An act to incorporate the town of Port Fulton, in Clark county;

No. 253. An act for the relief of the securities of James A. Kin-dle, late collector of Madison county;

No. 170. An act to extend the Burlington and Lafayette State road;

No. 254. An act in relation to the opening of roads, in the county of Fayette;

No. 160. An act for the relief of John C. Parker;

No. 234. An act for the relief of Mary Ann Wethereld, of Fayette county;

No. 211. An act to authorize the recording of a road, in Steuben county;

No. 256. An act to change the name of John Nichols to that of John Bevier Nichols;

No. 13. A joint resolution establishing the per diem allowance of the probate judges of Tippecanoe and Greene counties;

No. 240. An act to provide for the collection of the county Seminary funds, of Hamilton county;



No. 6. A joint resolution on the subject of vacant lands, in the State of Indiana;

No. 71. An act to amend an act entitled an act abolishing the office of county auditor, in certain counties therein named, approved January 15, 1844;

No. 235. An act for the relief of Nancy Pickett, of Switzerland county;

No. 25. An act in relation to county treasurers;

No. 208. An act to locate a State road in the counties of Huntington, Whitley, and Wabash;

No. 182. An act to incorporate the Rockville and Montezuma railroad;

No. 261. An act to divorce Maria Heritage, late Maria Miller, from her husband Joseph Heritage, late of the county of Vigo;

No. 260. An act in relation to damages in sinking fund sales;

No. 245. An act in relation to an alley in Georgetown, Floyd county;

No. 266. An act to provide for the support of paupers in Allen county;

No. 223. An act giving the right to the voters of Marion county to decide as to authorizing licenses to retail spirituous liquors in their townships;

No. 29. An act to incorporate the Richmond and Miami Railroad Company;

No. 252. An act amendatory of an act entitled, "An act to incorporate the Lafayette and Ohio Turnpike Company;

No. 236. An act extending the first and third sections of an act regulating the granting of license in the counties of Rush, Shelby, Spencer, Harrison, Warrick, Greene, Union, Dubois, Switzerland, Marshall, Cass, and Gibson;

No. 221. An act to legalize the acts of the probate judge of Tippecanoe county;

No. 238. An act to provide for the erection of a bridge across the Wabash and Erie canal;

No. 136. An act to extend the provisions of a certain act to the county of Allen;

No. 188. An act to extend an act entitled, "An act to provide for a more efficient mode of expending the road tax in the several counties therein named," approved January 15, 1844, to the county of Kosciusko;

No. 151. An act to incorporate the White River Presbyterian Church and Society, in Greene county;

No. 177. An act for the relief of the estate of Israel Phillips, late of Marion county, deceased;

No. 232. An act to repeal an act entitled, "An act to authorize the election of two additional justices of the peace in Shelby county," approved February 14, 1839.

No. 257. An act to provide for the inspection of whiskey in Tippecanoe county;

No. 237. An act to amend an act entitled, "An act to provide for the collection of debts due from the Lawrenceburgh and Indianapolis Railroad Company," approved January 12, 1845;

No. 165. An act to incorporate the Milford and Columbus Railroad Company;

No. 167. An act in relation to vending intoxicating liquors in Floyd county;

No. 193. An act legalizing a certain record of the board of commissioners of Marshall county;

No. 217. An act appointing commissioners to make partition of the real estate of Stephen S. Collet, late of Vermillion county, deceased;

No. 190. An act for electing an additional justice of the peace in Hendricks county;

No. 195. An act in relation to certificates and patents of Michigan road lands;

No. 168. An act to provide for the construction of a railroad from Martinsville, in Morgan county, to Franklin, in Johnson county;

No. 218. An act for the relief of James Kappeler and others;

No. 209. An act to locate a State road in the counties of Whitley, Noble, and Kosciusko;

No. 179. An act to amend the 109th section of the sixteenth chapter of the Revised Laws of 1843, on the subject of the road tax;

No. 247. An act for the education of the indigent blind of this State;

No. 239. An act to enable the township of Lawrenceburgh, in Dearborn county, to turnpike all the roads within the same;

No. 236. An act to protect certain private rights;

No. 227. An act defining the duties of county auditors and school commissioners;

No. 162. An act to amend an act relative to claims for damages on the public works;

No. 97. An act defining the duties of county treasurers, county auditors, and supervisors of highways in the counties of Rush and Hancock;

No. 199. An act to incorporate the Mt. Carmel Hall of Liberty in Franklin county;

No. 164. An act for the relief of James P. Creager of Knox county;

No. 248. An act supplemental to the act approved January 6, 1846, entitled, "An act to amend an act entitled, 'An act to incorporate the Buffalo and Mississippi Railroad Company,' approved February 6, 1835;";

No. 9. A joint resolution on the subject of the Oregon boundary; All of which originated in the Senate.



Mr. Ellis, from the committee appointed to wait on his Excellency the Governor, made the following report:

MR. PRESIDENT:

The committee appointed to wait upon his Excellency the Governor, and inform him that both Houses of the General Assembly had gone through with their legislative business and were ready to adjourn, *sine die*, if he had no further communication to make to them, have performed that duty, and are directed by his Excellency to inform the General Assembly that he has no further communication to make to them.

On motion by Mr. Hamer,

*Ordered*, That the Secretary inform the House of Representatives that the Senate have gone through with their legislative business, and are now ready to adjourn, *sine die*.

A message from the House of Representatives, by Mr. Kinder, their Clerk:

MR. PRESIDENT:

I am directed by the House to inform the Senate that the House have passed the following resolution:

*Resolved*, That the Senate be informed that the House of Representatives have gone through with their legislative business of the present session, and are now ready to adjourn, *sine die*.

On motion by Mr. Ellis,

The Senate adjourned, *sine die*.

Attest:

ISAAC N. AKIN,

*Assistant Secretary.*

## INDEX.

### A

#### ABSENCE.

Mr. Davis, leave of, granted,	-	-	-	-	220
Mr. Parks, leave of, granted,	-	-	-	-	220

#### AGENT OF STATE.

M. G. Bright elected,	-	-	-	-	607
-----------------------	---	---	---	---	-----

#### ADJOURNMENT.

<i>Sine die</i> , fixed 19th January, 1846,	-	-	-	-	380
---	---	---	---	---	-----

#### APPEAL.

From decision of the President, in relation to dissolving joint committee,	-	-	-	-	221
--	---	---	---	---	-----

#### AUDITOR OF STATE.

Communication from, in reply to resolution,	-	-	-	-	98
Submits report in relation to the census of 1845,	-	-	-	-	29
Submits report on subject of tract book for Clark county,	-	-	-	-	164
Reply to resolution of Senate,	-	-	-	-	178
Reply to resolution of Senate,	-	-	-	-	345
For annual report, see Documentary Journal.	-	-	-	-	



## AYES AND NOES.

On Orth's resolution to take newspapers, - - -	9
On amendment of Chapman of Laporte to Orth's newspaper resolution, - - -	10
On striking out Mr. Orth's resolution from resolving clause, - - -	11
On reconsidering the vote on adopting Buell's amendment to Orth's newspaper resolution, - - -	12
On indefinitely postponing newspaper resolution, - - -	12
On newspaper resolution of Chapman of Laporte, - - -	14
On Herriman's motion to print two thousand copies of Governor's message, - - -	26
On printing Governor's message in French, - - -	26
On printing Governor's message in German, - - -	27
On printing five hundred copies Governor's message in French, - - -	27
On laying on the table motion to print five hundred copies of Governor's message in French, - - -	27
On indefinite postponement of Senate bill No. 5, divorcing Ann B. Evans from Joseph Evans, - - -	46
On adjourning, - - -	65
On adjourning, - - -	66
On adjourning, - - -	66
On adjourning, - - -	71
On adjourning, - - -	72
On referring House bill No. 38, divorcing Patsey Hubbard and Malachi Hubbard, - - -	82
On suspending rules to read House bill No. 38 a third time, - - -	82
On the passage of House bill No. 38, - - -	82
On engrossing Senate bill No. 9, to reduce pilots' fees, - - -	84
On concurring in report of committee that it is inexpedient to reduce the number of Senators and Representatives, - - -	87
On laying said report on table, - - -	87
On referring said report, - - -	88
On laying Mr. Hardin's apportionment resolution on table, - - -	90
On laying Mr. Cuppy's apportionment resolution and amendments on the table, - - -	91
On printing eight hundred copies of Mr. Butler's communication on the subject of the State debt, - - -	95
On printing five hundred copies of said communication, - - -	95
On laying Mr. Murphey's resolution, calling on the Governor for information in relation to Mr. Butler's authority, on the table, - - -	96
On laying bill No. 41, for the relief of paupers at county asylums, and pending amendments on table, - - -	102
On the passage of bill of the House No. 42, divorcing Ransom Gabbert and Eliza Jane Gabbert, - - -	104
On laying on table bill of the Senate No. 9, reducing pilots' fees, - - -	104

## AYES AND NOES—Continued.

On the passage of bill of House No. 64, for the relief of Peter Everhart, &c., purchasers of school lands in Scott county, - - -	107
On motion to lay on table Ellis's motion to recommit bill of the House No. 5, - - -	115, 116
On concurring in report of State Bank committee on memorial of Horace B. Smith, - - -	120
On passage of bill reducing pilots' fees, - - -	127
On concurring in report of education committee in relation to the Wabash College, - - -	133
On rejecting Senate bill No. 64, reducing interest, - - -	134
On concurring in report of committee on corporations, in relation to bill of Senate No. 15, incorporating the Independent Order of Odd Fellows, - - -	135
On concurring in report of committee on education on bill of House No. 28, in relation to the relief of purchasers of school lands in Harrison and Orange counties, - - -	139
On adopting first amendment of committee to Senate bill 53, - - -	143
On laying on table bill of Senate No. 33, and passage, - - -	151
On indefinite postponement of Senate bill No. 64, to amend the thirty-sixth section, thirteenth chapter, Revised Statutes of Indiana, - - -	152
On laying on table bill of Senate No. 62, - - -	153
On laying on table report of committee on corporations, - - -	157
On concurring in report of judiciary committee on divorces, - - -	170
On suspending joint committee on public debt, - - -	174
On passage of bill divorcing Joseph Carpenter, - - -	177
On bill for relief of A. Hendricks & Son, - - -	179
On inserting individual liability in bill No. 94, - - -	181
On passage of bill No. 62, - - -	188
On passage of bill No. 68, to amend Revised Laws, - - -	188
On passage of bill to extend further time to borrowers of the sinking fund, - - -	188
On indefinite postponement of bill No. 40, for relief of N. Burchfield, - - -	192
On reconsidering vote on indefinite postponement of bill No. 40, - - -	194
On indefinite postponement of bill No. 40, - - -	194
On bill of the Senate No. 67, apportioning Senators and Representatives for the next five years, 202, 203, 204 205, 206, 207, [208, 209	209
On adjournment, - - -	209
On adjourning over till Friday, - - -	214
On resolution of Mr. Hamer, on apportionment, - - -	217, 216, 215
On suspending joint committee on public debt, - - -	220
On adjournment, - - -	221
On indefinite postponement of bill No. 24, - - -	223



AYES AND NOES—*Continued.*

On laying bill No. 72, (House Representatives) on table,	226
On appeal from Chair,	241
On adjournment,	241
On adjournment,	242
On indefinite postponement of bill to prevent sham pleading,	244
On amendment to bill to reappraise real estate,	246
On indefinite postponement of bill (Senate) 116,	250
On suspending rules on bill No. 119,	251
On inserting individual liability principle in charters,	251
On passage of bill 119,	252
On public debt resolutions,	254
On adjournment,	256
On printing five hundred copies of the Governor's communication on the subject of the authority of Charles Butler, Esquire,	257
On reconsideration of the vote upon bill for the relief of A. Hendricks and Son,	259
On printing report of minority of committee on education,	274
On engrossing bill of Senate No. 93,	276
On laying adjourning resolution on table, &c.,	281, 282
On bill 143, (Hamer's bill) on apportionment,	285
On the individual liability principle in charters,	286
On passage of Senate bill No. 118, to incorporate Wabash Navigation company,	286
On apportionment bill No. 67, of the Senate,	289, 290, 291, 292, 293, 294, 362
On indefinite postponement of bill 178,	298
On bill for the relief of borrowers of school fund,	300
On the individual liability principle,	301, 302, 303, 304, 305
On fixing the salaries of the Judges of Supreme and circuit court,	311
On Senate bill No. 103,	319
On House bill No. 103,	321
On bill No. 142, indefinite postponement,	325
On bill to incorporate Lafayette Hydraulic Company,	326
On bill No. 155, repealing an act giving further time to assessors,	337
On engrossment of bill No. 85, (Senate),	351
On Senate bill No. 99, relative to apprentices,	353
On concurring in report on House bill No. 103,	356
On passage of Senate bill No. 67, apportionment,	362
On bill to divorce Survilar Jane Neal,	363, 382
On bill divorcing Cynthia Devault and an other,	364, 383
On bill divorcing William J. Chaplin,	365, 366
On indefinite postponement of Oregon resolution, &c.,	370, 371, 372, 373, 374, 375, 376

AYES AND NOES—*Continued.*

On adjournment on the 19th January, 1846,	379, 380
On abolishing the office of Auditor of Johnson county,	384
On divorcing Thursa Ann Ryker,	386, 416
On divorcing Sarah Ann Rosecrantz,	386
On passage of House bill No. 126,	387
On divorcing Adam and Elizabeth Shambaugh,	387
On divorcing Barbara Ann May,	388
On bill relative to appraisement laws,	389, 414, 415
On bill for the relief of A. Hendricks and Son,	393
On adopting manual labor system in education of deaf and dumb,	394, 395
On Senate bill No. 93, relative to the Northport water power,	401
On the passage of joint resolution No. 9, relative to the Oregon boundary,	413
On joint resolution No. 12, relative to Cumberland road,	414
On locating Deaf and Dumb Asylum at Bloomington,	416
On passage of bill divorcing Thursa Ann Ryker, &c.,	417
On fixing the hour at which the Senate are to meet,	427
On joint resolution of House No. 45,	431
On Senate bill No. 40,	433
On bill of Senate No. 114,	439
On bill relative to county Auditors,	438
On adjournment,	441
On electing prosecuting attorney by the people,	442, 443
On bill relative to apprentices,	446
On bill of the House No. 69,	450
On bill No. 210, relative to State Bank,	451
On the individual liability principle,	454, 455, 456
On incorporating Greensfork and Hagerstown Railroad Company,	456
On divorcing Matilda Knight, of Clay county,	460
On bill No. 40, for the relief of N. Burchfield,	461
On bill for the relief of Peter N. Clark, of Marion county,	461
On divorcing William Beckford and Elizabeth Beckford,	462
On divorcing Moses Noble, of Vanderburgh county,	462, 463
On the bill providing for reappraisement of real estate,	463, 464
On abolition petitions,	468, 469
On bill erecting buildings for Lunatic Asylum,	470
On incorporating Indiana State Medical Society,	477
On House bill No. 69, relative to a contractor on Madison and Indianapolis Railroad,	478, 479
On bill No. 163, leasing the Indiana State Prison,	481, 482
On Senate bill No. 193, for the relief of V. and J. King,	491, 492, 538, 564, 565
On bill loaning State University two thousand dollars to repair, &c.,	492, 493



AYES AND NOES—*Continued.*

On act relative to capital punishment,	505
On House bill No. 330,	506
On House bill No. 86,	507
On House bill No. 327,	508
On House bill No. 328,	508
On House bill No. 335,	509
On bill of Senate No. 66,	509, 510
On House bill No. 100,	511
On House bill No. 248,	511
On Senate bill No. 14,	512
On bill to attach territory to Crawford county,	522
On House bill No. 246,	527
On House bill No. 73,	532
On confirmation of T. L. Smith, Supreme Judge,	533
On confirmation of Samuel E. Perkins, Supreme Judge,	533, 534
On suspending rules,	534
On Senate bill No. 14,	536
On Senate bill No. 163,	536, 537
On Senate bill No. 250,	539
On Senate bill No. 113,	541, 542, 543
Relative to advertising delinquent lands,	545
On holding night sessions,	555
On Senate bill No. 138,	557
On House bill No. 216,	560
On bill of the Senate No. 133,	562
On bill of the Senate No. 201,	562
On a call of the Senate,	565
On bill of the Senate No. 159, funded debt,	567, 569, 573, 588
On bill of the House No. 362, funded debt,	598, 599, 600, 601, [602, 603, 618]
On House bill No. 140, relative to a State convention to change the constitution,	610, 611
On act relative to the militia law,	612
On amendments to bill incorporating Rushville Turnpike Company,	613
On individual liability principle,	615
On House bill No. 364,	620
On revenue bill, No. 481, House,	622, 623, 646, 647
On House amendments to Senate bill No. 89,	623
On House bill No. 434, paying for survey, &c., Wabash and Erie canal,	624, 625, 629
On Senate bill No. 267,	625, 629, 630
On House bill No. 485,	628, 629
On Senate bill No. 206, relative to repairing College build- ings,	630, 631, 639
On amendments to House bill No. 250,	633, 634

AYES AND NOES—*Continued.*

On joint resolution of the House No. 494,	636
On House bill No. 33, and amendments,	640
On specific appropriation bill, No. 493, House,	642, 643, 644, 648 [649, 651, 652, 663, 664, 666]
On joint resolution of the House No. 377,	648
On bill of the House No. 264, relative to canal scrip,	657

## BANK DIRECTORS.

Election of Isaac Dunn,	315
Election of John F. Carr,	316
Election of Jacob Walker,	317



BILLS WHICH ORIGINATED IN THE SENATE.

<i>Number.</i>	<i>SUBSTANCE OF TITLE.</i>	<i>Introduced.</i>	<i>Proceedings before passage.</i>	<i>Passed Senate.</i>	<i>Passed House.</i>	<i>Other proceedings.</i>	<i>Approved.</i>
1	A bill for the improvement of roads in certain counties,	33	37, 45	45	105		139
2	A bill to reduce the salary of the auditor of Sullivan county,	34	38, 45	45	77		128
3	A bill relative to special terms of circuit court in twelfth judicial circuit,	38	45	45	248	412	669
4	A bill authorizing the estate of Lyman G. Bellamy, deceased, to be sold, &c.,	38	45	45	77		128
5	A bill to divorce Ann B. Evans and Joseph Evans,	43	45	46	77		128
6	A bill to amend forty-eighth chapter, fifth article, Revised Statutes 1843,	44	113				
7	A bill to attach Tipton county to eleventh circuit, &c.,	44	50, 83	127	175		313
8	A bill legalizing an election in Crawford county,	44	50	50	132		298
9	A bill to reduce pilots fees,	45	49, 59, 83, 103				
10	A bill respecting corporations,	45	50, 118	110	175	184	312
11	A bill for the relief of Francis Lafontaine,	46	49				

680

12	A bill to permit Francis Lafontaine, Lablond Richardville, Catharine Richardville, and Susan Richardville to convey their property,	46	49, 110	150	218	263	492
13	A bill in relation to the Lawrenceburgh, &c., turnpike company,	47		50	132		298
14	A bill in relation to calling a convention to change constitution,	76	103, 267, 511, 512	536	218	263	437
15	To incorporate Odd Fellows' Grand Lodge,	76	103	135	218		
16	Authorizing a church in Jeffersonville to sell property to pay debts,	78	103	150	218		312
17	Amending ninety-fourth section, chapter twelve, Revised Statutes 1843,	79		85	186	86	275
18	To authorize the sale of school lands in Crawford county,	79	103	150	195		313
19	Allowing additional compensation to auditor Morgan county,	79	103, 129	150			
20	A bill to repeal an act to reduce the price paid for ferriages in Lawrence county, approved January 15, 1844, and to revive the general law,	79		103	154		313
21	A bill to establish a State road in Putnam and Clay counties,	79	103	177	224		313
22	A bill to extend an act entitled, "An act to revive and amend an act entitled, 'An act for the relief of settlers on the Wabash and Erie canal,' approved, &c.,	79	103, 279	279	395		586
23	A bill explanatory of section one hundred and sixty-three, chapter twelve, Revised Statutes 1843,	84	118				

681



**BILLS OF THE SENATE—Continued.**

<i>Number.</i>	<i>SUBSTANCE OF TITLE.</i>	<i>Introduced.</i>	<i>Proceedings before passage.</i>	<i>Passed Senate.</i>	<i>Passed House.</i>	<i>Other proceedings.</i>	<i>Approved.</i>
24	A bill to repeal an act approved January 13, 1845, so far as relates to Jackson county, -	84	103, 223				670
25	A bill to repeal eighteenth section of chapter four, Revised Statutes 1843, -	85	102, 359	382	614		
26	A bill in relation to the jurisdiction of justices of the peace and their duties, -	92	309				
27	A bill abolishing the July term of the Floyd circuit court, -	92	103				
28	A bill to incorporate the Rising Sun Manufacturing Company, -	92	186	186	395	413	587
29	A bill to incorporate the Richmond and Little Miami Railroad Company, -	92	145, 161, 258	403	495		670
30	A bill providing for paying the judge of the eleventh judicial circuit for extra services, -	92					
31	A bill to raise the fees of grand and petit jurors in certain counties, -	92					
32	A bill to amend the fourth section, forty-seventh chapter Revised Statutes 1843, -	93	112	112	175		312

582

33	A bill repealing an act making canal scrip receivable for tolls and water rents on the Wabash and Erie canal, approved February 8, 1843, -	94	102, 103	151	451		662
34	A bill to correct a mistake in a certain act therein named, (in Miami county), -	94		94	147		313
35	A bill for the relief of the aged and afflicted poor of Indiana, -	94	129, 130	237	324		586
36	A bill to vacate part of a State road in Franklin county, -	94					
37	A bill in relation to advertising certain delinquent lands, -	99	162, 245				
38	A bill to incorporate a Lutheran church in Franklin county, -	100			218		313
38	A bill relative to the clerks of the circuit courts performing the duties of county auditors, -	101					
39	A bill to authorize a settlement between the State and Allen McLean, of Morgan county, -	102	155	155	218		313
40	A bill supplemental to an act entitled, "An act for the relief of Nathan Burchfield," approved February 11, 1845, -	102	432, 433	461	604		668
41	A bill for the relief of paupers at county asylums, -	102					
43	A bill in relation to taking up estrays, -	113	165	187	307		586
44	A bill to increase the pay of grand and petit jurors, -	114	165				
45	A bill authorizing probate judges to take acknowledgments of deeds and other instruments, and for other purposes, -	116	162	177			
46	A bill repealing the law allowing county auditors certain fees, -	118	186, 198	362			

623



**BILLS OF THE SENATE—Continued.**

<i>Number.</i>	<i>SUBSTANCE OF TITLE.</i>	<i>Introduced.</i>	<i>Proceedings before Passage.</i>	<i>Passed Senate.</i>	<i>Passed House.</i>	<i>Other Proceedings.</i>	<i>Approved.</i>
47	A bill giving further time to borrowers of trust funds,	121					437
48	A bill to authorize the superintendent of the Wabash and Erie canal to settle with Sill, - - -	121	145	186	275		313
49	A bill to authorize the reappraisement of school lands in certain cases, - - -	122	165	150	218		492
50	A bill to vacate certain streets in Cambridge City, -	123					
51	A bill to provide for the permanent location of the seat of justice of Noble county, - - -	123					
52	A bill in relation to county treasurers, - - -	125	144, 199, 287	150	377		
53	A bill to incorporate the Bloomington and Columbus Railroad Company, - - -	125	143, 144	481			
54	A bill to continue the Madison and Indianapolis rail- road to Lafayette, - - -	126	143	327	550		662
55	A bill to compensate supervisors in Morgan county, -	126	150	151	218		313
56	A bill to improve the roads in the counties therein named, - - -	126		126	218		313
57	A bill to employ a physician on behalf of paupers in Fountain county, - - -	126		126	195		313

684

58	A bill to amend an act entitled, "An act to incorpo- rate the Young Men's Literary Association of Richmond," - - -	126		145	218		312
59	A bill to incorporate the Brookville Manufacturing Company, - - -	126	144, 149	149	295		437
60	A bill to correct a misprint therein named, - - -	126		126	175		313
61	A bill for the relief of Henry Shiner, - - -	130					
62	A bill in relation to executors and administrators, -	131	153, 177, 178, 187	188			
63	A bill for the relief of the poor, - - -	131					
64	A bill to amend the thirty-sixth section, thirteenth chapter, of Revised Statutes, - - -	133	152, 153				
65	A bill for the relief of Thomas Murphey, - - -	134	152	161	307		586
66	A bill to extend further time to borrowers of sinking fund, - - -	134	165	165	324	413, 507	660
67	A bill to apportion Senators and Representatives for } the next five years, - - - }	136	{ 202, 203, 204, 205, 206, 207, 208, 209, 210, 218, 282, 287, 288, 289, 290, 291, 292, 295 }	362	477		662
68	A bill to amend the Revised Laws, - - -	138	165, 188	188			
69	A bill abolishing capital punishment, - - -	145	161				
70	A bill reducing salary of auditor of Putnam county, -	149	339	363			
71	A bill to incorporate the Crawfordville and Wabash Railroad Company, - - -	149	196	362	480		667
72	A bill to abolish auditor's office in certain counties, -	149		161	650		670
73	A bill to incorporate Peru and Indianapolis Railroad Company, - - -	149	196	287	550	582, 636	669

685



BILLS OF THE SENATE—Continued.

<i>Number.</i>	<i>SUBSTANCE OF TITLE.</i>	<i>Introduced.</i>	<i>Proceedings before Passage.</i>	<i>Passed Senate.</i>	<i>Passed House.</i>	<i>Other Proceedings.</i>	<i>Approved.</i>
74	A bill defining the manner of selecting jurors in Morgan county, -	150	150	150	480	513	541
75	A bill in relation to northern division of Central canal, -	150	246, 247	363	480		541
76	A bill to amend act in relation to school fund in Lagrange county, -	150	299	363	495		668
77	A bill relative to the duties of county treasurer in Porter, Laporte, and Lake, -	150		161			
78	A bill to repeal an act relative to a State road in Wayne county, -	159		159	224		298
79	A bill to locate a State road in Dearborn and Ripley counties, -	159		159	218		312
79	A bill to amend an act entitled, "An act to incorporate the Buffalo and Mississippi Railroad Company," approved February 6, 1835, -	160		172	255		437
80	A bill for the relief of Joseph and Maria Rudman, -	161		186	275		437
81	A bill for remuneration of Sylvester House, &c., -	162		280	295		438
82	A bill to extend the time to borrowers of certain funds, -	162	310				

686

83	A bill to authorize the commissioners of Miami county to settle with the heirs of William M. Wood, -	162	227	187			438
84	A bill to authorize the names of insolvent persons to be stricken from the tax duplicate, -	169				187	668
85	A bill to amend the fifteenth section, tenth chapter, Revised Statutes of 1843, -	172	350, 351	187			437
86	A bill in relation to making issue terms in Dearborn county, -	175					668
87	A bill to attach additional territory to the county of Crawford, and for other purposes, -	176	258, 259, 433		248		437
88	A bill to extend the February term of the Franklin circuit court, -	176	322	176	614	622	668
89	A bill in relation to the Wabash and Erie canal lands, -	180		180	275		437
90	A bill for the relief of Victor A. Pepin, of Floyd county, -	180		180	550		668
91	A bill to abolish highway tax in Morgan county, -	181		189	275		437
92	A bill to legalize the acts of the auditor and school commissioner of Lagrange county, -	181		401	594		662
93	A bill in relation to the water power at Northport, in Noble county, -	181	263, 276	189	395		586
94	A bill to amend an act incorporating the Dearborn County Cotton Manufacturing Company, -	181		182	377		492
95	A bill for the relief of Martha Ann McCune, of Floyd county, -	182	182	182			
96	A bill to incorporate the Lafayette Hydraulic Company, -	182	[305, 325 300, 301, 302, 304,				
97	A bill defining the duties of county auditors, treasurers, and supervisors of highways, -	182	182, 237, 287, 465	287	617		671

687



BILLS OF THE SENATE—Continued.

688

<i>Number.</i>	<i>SUBSTANCE OF TITLE.</i>	<i>Introduced.</i>	<i>Proceedings before passage.</i>	<i>Passed Senate.</i>	<i>Passed House.</i>	<i>Other proceedings.</i>	<i>Approved.</i>
98	A bill to prohibit the sinking fund commissioner from relinquishing mortgaged lands in certain cases, -	191	339	383			
99	A bill amendatory of an act relative to masters and apprentices, approved February 11, 1843, -	197	338, 350, 353				
100	A bill to vacate a part of the town of Waterloo, in Fayette county, -	197		197	275		437
101	A bill for the relief of the heirs of James McCleery of Franklin county, -	198		198	275		438
102	A bill for the relief of Absalom Paynter of Henry county, -	200	341	398	481		586
103	A bill to authorize the agent of the surplus revenue fund of Allen county to accept a conveyance of real estate, -	200	319				
104	A bill to incorporate the Fort Wayne and Lima turnpike company, -	201	399	462	604		667
105	A bill to locate a State road in the counties of Fountain and Warren, -	201		213	495		668
106	A bill abolishing the road tax in the county of Daviess, -	201		363	495		660

689

107	A bill for the suppression and prevention of sham pleading, -	202	244					437
108	A bill to amend an act relative to a State road in Marshall county, -	202		202	275			669
109	A bill in relation to county auditors, -	211		363	605			
110	A bill for the relief of L. H. Scott, -	212						
111	A bill establishing an additional place of holding elections in Bartholomew county, -	213		213	324			586
112	A bill to incorporate Port Fulton, in Clark county, -	213		300	604			669
113	A bill to increase the common school fund, -	217	340, 541, 542-3	566				
114	A bill to amend the act relative to the asylum for the education of the deaf and dumb, -	237	338, 389, 390, 414	462	604			668
115	A bill to repeal the corporation law so far as Lexington is concerned, -	238	416, 439					
116	A bill to authorize the people of Fayette county to elect their seminary trustees, -	239	239, 249	239	324			586
117	A bill to apportion Senators and Representatives for the next five years, -	239	340	250	324	413		586
118	A bill to incorporate the Wabash navigation company, -	249	285, 286	287	395			541
119	A bill to provide for rail road from Madison and Indianapolis rail road to Pendleton, Huntsville and Andersontown, -	250	251	252	481			586
120	A bill to prohibit the county court of Scott county from levying a tax therein named, -	252	252	252	324			587
121	A bill to establish a State road in Scott county, -	253		253	324			586
122	A bill in relation to the publication of delinquent lists of lands, -	253	309					



BILLS OF THE SENATE — Continued.

690

<i>Number.</i>	<i>SUBSTANCE OF TITLE.</i>	<i>Introduced.</i>	<i>Proceedings before passage.</i>	<i>Passed Senate.</i>	<i>Passed House.</i>	<i>Other proceedings.</i>	<i>Approved.</i>
123	A bill to amend an act to erect a bridge across Laughery creek, in Ripley county, - - -	254		280	395		587
124	A bill to punish libellers by indictment, - - -	254	319				
125	A bill for the relief of Dickey and Quinan, - - -	254	449				
126	A bill for the relief of Martin Fitzpatrick of Daviess county, - - -	254	324	363			
127	A bill to vacate a certain alley in the town of Plymouth, - - -	258		258	324		527
128	A bill in relation to the navigable portion of the Wabash and Erie canal, and to abolish the office of general superintendent, - - -	258	340				
129	A bill to vacate 16 town lots in the town of Harrisonville, - - -	259	339	363	495		660
130	A bill to amend the practice at law, - - -	259	308				
131	A bill regulating certain fees and salaries, - - -	268	343, 351	382			
132	A bill for the leveeing Shaker prairie on the Wabash river, - - -	279		279	395		587
133	A bill for the relief of Isaac Cowen and George Conrod of Pike county, - - -	279		279	465	465	586

691

134	A bill for vacating part of Howard street and certain alleys in West Richmond, - - -	281		281	395		586
135	A bill for the incorporation of the Lawrenceburgh and Harrison turnpike company, - - -	283		283	604		668
136	A bill to amend an act to incorporate the Indiana church, - - -	283		283	495		668
137	A bill to revive and amend an act therein named, - - -	283		362	495		660
138	A bill fixing the salaries of supreme and circuit judges, - - -	284	310, 311				
139	A bill for the erection of a monument on the Tippecanoe battle ground, - - -	284		284	496		668
140	A bill for the relief of Henry Shimer, - - -	284					
141	A bill for the relief of William Phillips of St. Joseph county, - - -	284	398	439			
142	A bill to repeal parts of certain acts therein named, - - -	285	325, 362				
143	A bill to apportion Senators and Representatives for the next five years, - - -	285	285	285			
144	A bill to amend the law defining congressional townships, their officers, elections, duties and compensation, - - -	295	341, 389				
145	A bill to change the venue in a case of the State vs. Silas Doty, of Allen county, - - -	299		299	305		586
146	A bill to change the venue in a case of the State vs. Silas Doty of Allen county, - - -	306		306	312		320
146	A bill to change the location of the feeder dam on Sugar creek, in Parke county, - - -	322	364	383	550		659
147	A bill for the relief of Owen McManus of Martin county, - - -	323	364	383			659
148	A bill to provide for the distribution of certain public documents, - - -	325		363	495		495



**BILLS OF THE SENATE—Continued.**

<i>Number.</i>	<i>SUBSTANCE OF TITLE.</i>	<i>Introduced.</i>	<i>Proceedings before passage.</i>	<i>Passed Senate.</i>	<i>Passed House.</i>	<i>Other proceedings.</i>	<i>Approved.</i>
149	A bill to divorce Survilar Jane Neal, (late Eudaily,)	328	363, 382, 429	429	550		602
150	A bill relative to the bridge over White river,	328	364, 383, 429	430			
151	A bill to incorporate the White river Presbyterian church,	328	399	459	504		670
152	A bill to divorce Cynthia Duvault and Blista Ann Huffman from their husbands,	329	364	383			586
153	A bill fixing a certain annual compensation to the auditor of Boone county,	329	364	382	480		660
154	A bill to incorporate the Fort Wayne and Plymouth turnpike company,	336	398	463	604		660
155	A bill repealing an act giving further time to assessors, &c.,	337	363				
156	A bill to amend an act therein named,	351	421	421	550		668
157	A bill relative to the duties of sinking fund commissioner,						
158	A bill in relation to the sale of property on execution,	359	389				
159	A bill to provide for the funded debt of Indiana, and for the completion of the Wabash and Erie canal,	359	388, 389, 414				
		380	534, 566				

692

160	A bill for the relief of John C. Parker,	381	420	566	627		669
161	A bill for the better payment of mortgages due the university fund,	394	441	462	592		668
162	A bill relative to claims for damages on the public works,	397	432, 461	464	604		671
163	A bill leasing the Indiana State prison, and for other purposes,	398	440, 481, 497	537	594		605
164	A bill for the relief of James C. Creager of Knox county,	400	471	504	614		671
165	A bill to incorporate the Milford and Columbus Railroad company,	400					
166	A bill to divorce Matilda Knight, of Clay county,	402		572	614		671
167	A bill relative to vending liquors in Floyd county,	402		460	550		658
168	A bill to incorporate the Martinsville and Franklin Railroad company,	403	487	460	604		671
169	A bill to divorce Moses Noble, of Vanderburgh county,	403	440	504	604		671
170	A bill to extend the Burlington and Lafayette State road,	404		463	550		662
171	A bill for the relief of Sarah Gregory, of Laporte county,	404	440	460	614		669
172	A bill in relation to the Laporte county library,	405		459	550		558
173	A bill to incorporate the Green's Fork and Hagers-town turnpike company,	406	453, 454	460	604		660
174	A bill to provide for township assessors in Monroe and Morgan counties,	417		562	616		669
175	A bill to change the probate system,	417		460	617		
176	A bill to authorize the president and trustees of Lafayette to pave streets, construct side-walks, &c.,	417		417	481		668

693



BILLS OF THE SENATE—Continued.

Number.	SUBSTANCE OF TITLE.	Introduced.	Proceedings before passage.	Passed Senate.	Passed House.	Other proceedings.	Approved.
177	A bill for the relief of the estate of Israel Philips, late of Marion county, - - -	417		460	604		670
178	A bill to amend an act to incorporate the Lafayette bridge company, - - -	418	460				
179	A bill to amend the 109th section, sixteenth chapter of the Revised Statutes of 1843, - - -	418	441	441	650		671
180	A bill to divorce William Beckford and Elizabeth Beckford, - - -	418	442	462	604		662
181	A bill to amend an act to confine voters to their own townships, - - -	418	442				
182	A bill to incorporate the Rockville and Montezuma Railroad company, - - -	418	420	461	604		670
183	A bill to provide for correcting the records in circuit courts, - - -	418					
184	A bill to charter the Alumni of Hanover college, - - -	418	432, 473, 516	556	617		628
185	A bill to incorporate the Covington band, - - -	418	420	459	604		660
186	A bill to extend the provisions of a certain law to Allen county, - - -	418	432	459	604		670

694

187	A bill to amend the fifteenth chapter Revised Statutes of 1843, - - -	418	515	335			670
188	A bill relative to road tax in Kosciusko county, - - -	418		460	604		
189	A bill to amend an act to elect prosecuting attorneys by the people, - - -		442, 620				
190	A bill for electing a justice of the peace in Hendricks county, - - -	418					
191	A bill for the relief of Ann Evans, - - -	419	432	459	604		671
192	A bill legalizing a certain record in Marshall county, - - -	419	443	462	604		658
193	A bill for the relief of V. and J. King and others, - - -	419	440	462	604		671
194	A bill for the relief of Peter J. Clark, of Marion county, - - -	419	440, 491, 537				
195	A bill relative to patents of Michigan road lands, - - -	419	441	461	604		669
196	A bill to incorporate the Indiana Medical Society, - - -	419	441	461	614		671
197	A bill to amend an act regulating fees and salaries, - - -	419	477, 504				
198	A bill giving additional time to the probate court in Monroe county, - - -	419	441, 474	504			
199	A bill to incorporate the Mt. Carmel Hall of Liberty, - - -	419	439				
200	A bill for the erection of the edifice of the Indiana Hospital for the insane, - - -	420	453	479	614		671
201	A bill to incorporate the Marion and Wabash Railroad company, - - -	425	469	470	605	626	660
202	A bill amending the acts incorporating Indianapolis, - - -	426	566				
203	A bill for the relief of Benjamin H. Scott, of Miami county, - - -	428	465	479			
204	A bill for the relief of William Starks, - - -	429	465	479	550		659
205	A bill locating a State Road in Fountain and Warren counties, - - -	430		430	481		586
		431		431	550		657

695



BILLS OF THE SENATE—Continued.

696

<i>Number.</i>	<i>SUBSTANCE OF TITLE.</i>	<i>Introduced.</i>	<i>Proceedings before passage.</i>	<i>Passed Senate.</i>	<i>Passed House.</i>	<i>Other proceedings.</i>	<i>Approved.</i>
206	A bill in relation to repairing college buildings, -	431	465, 535, 630	593	639		668
207	A bill for the relief of the securities of William Johnson, late collector of Sullivan county, -	444		479	605		670
208	A bill to establish a State road in Huntington, Whitey and Wabash counties, -	448		561	616		671
209	A bill to locate a State road in Noble, Whitley and Kosciusko counties, -	448		561	616		
210	A bill to amend the ninth chapter Revised Statutes of 1843, -	451	479				
211	A bill authorizing the recording of a road in Steuben county, -	452		452	604		669
212	A bill providing for a settlement with Jacob A. Jackson, late collector of Scott county, -	457		458	481		587
213	A bill giving the right to the voters of Marion county as to authorizing license to retail liquors, -	485		504	627		669
214	A bill authorizing Joshua Small and Ephraim Overman to erect a mill dam across the Mississinnewa river, -	486		561	614		669

697

215	A bill extending the time of holding courts in the county of Marion, -	488		504	616		668
216	A bill for the relief of Elizabeth Preston, -	489		560	560		668
217	A bill relative to partition of Stephen S. Collett's, deceased, estate, -	489		535	617		671
217	A bill for the relief of the legal representatives of George W. Blasdel, -	496		496			
218	A bill for the relief of James Kappeller and others, -	497	523	556	614		671
219	A bill relative to the June term of the Tippecanoe circuit court, -	498		498	605		660
220	A bill repealing part of an act declaring the Mississinnewa river navigable, -	499		499	594		669
221	A bill to legalize the acts of the probate judge of Tippecanoe county, -	501		536	617		670
222	A bill to locate a State road in Shelby county, -	502		502	605		668
223	A bill transferring the duties of surplus revenue agent to school commissioner of Scott county, -	503		503	614		668
224	A bill authorizing the removal of obstructions in Big creek, Posey county, -	513		513	541		668
225	A bill to repeal a certain act relative to Monroe and Owen counties, -	513		513	541		660
226	A bill relative to county commissioners acting as library trustees, -	513		535	627		669
227	A bill defining the duties of county auditors and school commissioners, -	513		577	627		671
228	A bill to locate a State road from Point Commerce to feeder dam in Clay county, -	514		526	617		669



BILLS OF THE SENATE—Continued.

<i>Number.</i>	<i>SUBSTANCE OF TITLE.</i>	<i>Introduced.</i>	<i>Proceedings before passage.</i>	<i>Passed House.</i>	<i>Passed Senate.</i>	<i>Other proceedings.</i>	<i>Approved.</i>
229	A bill to adjust water now used by James S. Hogeland, - - -	514		566			669
230	A bill for the relief of John Scott and others, - -	514		535	617		670
231	A bill to authorize a school district in Sullivan county, -	514					669
232	A bill to repeal an act to authorize the election of two additional justices in Shelby county, -	515		515	605		669
233	A bill to divorce Cyrus Lomax of Orange county, -	515	561	566	594		669
234	A bill for the relief of Mary Ann Wetherald of Fayette county, - - -	515		535	616		670
235	A bill for the relief of Nancy Pickett of Switzerland county, - - -	515		515			670
235	A bill regulating the granting of license in Delaware county, - - -						
236	A bill to prevent suits in certain cases, - - -	513		561	614	617	670
237	A bill relative to the collection of debts due from the Lawrenceburgh and Indianapolis railroad company, -	515		561	617		671
238	A bill to provide for the erection of a bridge across Wabash and Erie canal, - - -	525		535	617		671
		525		536	614		670

698

239	A bill to enable the township of Lawrenceburgh to turnpike all the roads therein, - - -	526		526	614		671
240	A bill to provide for the collection of seminary funds of Hamilton county, - - -	526		526	614		669
241	A bill for the relief of Harvey Chase of Cass county, -	526					
242	A bill to repeal an act authorizing the election of certain officers in Indianapolis, - - -	526		526	619	619	668
243	A bill to amend the fiftieth article, chapter forty-eighth, Revised Statutes of 1843, - - -	526					
244	A bill to appoint commissioners to assess damages done Jesse L. Watson of Tippecanoe county, - -	526					
245	A bill in relation to an alley in Georgetown, Floyd county, - - -	527		527	617		670
246	A bill for the relief of certain owners of canal lands, -	527		527	617	627	669
247	A bill to educate the indigent blind of this State, -	539		539	617		671
248	A bill to amend an act to incorporate the Buffalo and Mississippi Railroad Company, - - -	540		540			671
249	A bill for the relief of Theodore K., Ann Maria, and Charlotte Brackenridge, - - -	546		581	227		668
250	A bill to authorize the purchase of lands in Huntington county, - - -	546		547			
251	A bill to change part of State road from McDonald's ferry, in Clark county, to Brownstown, - -	551		551	614		668
252	A bill amendatory of an act to incorporate the Lafayette and Ohio turnpike company, - - -	553		533			670
253	A bill for the relief of William Henry and others, heirs of Evan Pugh, - - -	553		555	616		669
254	A bill relative to opening roads in Fayette county, -	553		553	616		669

699



BILLS OF THE SENATE—Continued.

700

<i>Number.</i>	<i>SUBSTANCE OF TITLE.</i>	<i>Introduced.</i>	<i>Proceedings before passage.</i>	<i>Passed House.</i>	<i>Passed Senate.</i>	<i>Other proceedings.</i>	<i>Approved.</i>
255	A bill removing obstructions in Big Blue river in Shelby county, - - -	554		554	617		669
256	A bill for the relief of Jacob Rozell, - - -	554		554	616		669
257	A bill to provide for inspection of whiskey in Tippecanoe county, - - -	554		554	117		671
258	A bill to change the name of John Nichols to John Bevier Nichols, - - -	556		557	617		669
259	A bill legalizing certain sales therein, - - -	567		567	617		663
260	A bill in relation to damages on sinking fund sales, - - -	574		574	627		670
261	A bill to divorce Maria Heritage of the county of Vigo, - - -	574		574	627		670
262	A bill authorizing the surveyor of Grant county to take acknowledgments of deeds, &c., - - -	574					
263	A bill to amend an act relative to grocery license in Carroll and Cass counties, - - -	575		575			
264	A bill in relation to canal scrip issued for the Wabash and Erie canal west of Lafayette, - - -	582		582			
265	A bill for the relief of Aaron Firebaugh, - - -	583		583	627		668

701

266	A bill to provide for the support of paupers in Allen county, - - -	592		592	620		670
267	A bill to authorize the Superintendent of Wabash and Erie canal to pay certain equitable claims, - - -	625	629	630			
268	A bill fixing the time of holding courts in the fifth judicial circuit, - - -	663		663	666		668



BILLS OF THE HOUSE OF REPRESENTATIVES.

702

<i>Number.</i>	<i>SUBSTANCE OF TITLE.</i>	<i>Reported from House.</i>	<i>Proceedings before passage.</i>	<i>Passed Senate.</i>	<i>Other proceedings.</i>
18	A bill to provide for a special term of the Allen circuit court, - - -	76	81	81	
2	A bill to legalize the acts of James Batman, a justice of the peace of Bono township, Lawrence county, - -	77	81, 106	106	
22	A bill to change the time of holding probate courts in Du-bois county, - - -	77	81	173	185
38	A bill divorcing Patsey Hubbard and Malachi Hubbard, &c., - - -				
25	A bill declaring a misprint in the Revised Statutes of 1843, - - -	77	81, 82, 83		
26	A bill regulating the jurisdiction of justices of the peace in Porter and Lake counties, - - -	77	80, 117		
27	A bill authorizing the auditor of Gibson county to make a deed in a certain case therein named, - - -	77	80, 111	152	
31	A bill repealing an act entitled, "An act providing for the fees of the auditor of Hancock county," - - -	77	80	310	
34	A bill vacating the town plat of the town of New Charles-town, in Jay county, - - -	77	81	83	

703

43	A bill establishing a State road in the counties of Elkhart and St. Joseph, - - -	77	81, 425	459	
5	A bill declaratory of the meaning of the twenty-ninth section of the first article of the fortieth chapter of the Revised Statutes 1843, - - -	78	80, 115	152	
9	A bill changing the time of holding probate courts in Allen county, - - -	78	80, 110	111	
10	A bill supplemental to the twelfth article of fortieth chapter Revised Statutes 1843, - - -	78	80		
13	A bill relative to the probate courts of Jackson and Greene counties, - - -	78	80, 119, 121	160	185
23	A bill in relation to the bank tax fund, - - -	78	80, 111	111	
17	A bill for the relief of the heirs of William Pinnick, deceased, of Orange county, - - -	93	97, 142	143	176
24	A bill to authorize the refunding of taxes in certain cases, - - -	93	97, 129	152	
28	A bill for the relief of purchasers of school lands in Harrison and Orange counties, - - -	93	97, 138, 139, 405	431	
40	A bill for the relief of certain purchasers of school lands in Vanderburgh county, - - -	93	97, 122, 152	152	176
41	A bill for the relief of Joseph Carpenter, - - -	93	97, 166	177	
42	A bill divorcing Ransom Gabbert and Eliza Jane Gabbert, - -	93	97, 103, 104	104	
46	A bill to change the mode of electing county surveyor in the county of Orange, - - -	93	97		
48	A bill for the relief of Victor Belon and Lambert Holden of Knox county, - - -	93	97	113	
49	A bill for the amendment of the fifty-fourth section, twelfth chapter Revised Statutes 1843, - - -	93	105, 165, 244		



BILLS OF THE HOUSE—Continued.

704

<i>Number.</i>	<i>SUBSTANCE OF TITLE.</i>	<i>Reported from House.</i>	<i>Proceedings before passage.</i>	<i>Passed Senate.</i>	<i>Other proceedings.</i>
16	A bill to legalize the official acts of John Nixon, school commissioner of Washington county, -	105	106	152	
39	A bill divorcing James Hays and Catharine Hays, of Perry county, -	105	106	153	
53	A bill to prescribe the mode of selecting grand and petit jurors in Hendricks county, -	105	106, 126	126	
54	A bill to change the time of holding probate courts in Perry and Harrison counties, -	105	106, 123	123	
56	A bill to amend an act entitled, "An act fixing the time of holding courts in the eighth judicial circuit, in the State of Indiana," -	105	106, 124		
59	A bill to provide for holding and transmitting real estate by aliens, and for quieting titles to real estate, -	105	106	318	
60	A bill repealing an act therein named, -	105	106	106	388
62	A bill to authorize the trustees of congressional township number four south, in range number five east, in Harrison county to change the districts therein, -	105		106	
63	A bill to vacate a part of Water street in Rushville, -	105		107	

705

64	A bill for the relief of Peter Everhart and Hezekiah Mitchell, purchasers of school lands in Scott county, -	105	106, 107	108	
66	A bill to establish an additional place of holding elections in Jackson township, in Washington county, -	105	108, 412, 413		
73	A bill to provide for the re-appraisal of real estate heretofore appraised and subject to taxation, -	105	108, 243, 245, 344	344	532, 550
74	A bill to alter the width of a State road from Connorsville to St. Omar, -	105	108	146	176
75	A bill divorcing Leonard Crawford and Frances Crawford, -	105	108, 122, 123, 128	161	
76	A bill for the benefit of the inhabitants of township one, north of range ten west, -	105	108, 152		
78	A bill declaring a county road a State road in Clay county, -	105	108	566	
80	A bill divorcing John G. Keller and Elizabeth Keller, -	105	108	108	
84	A bill regulating the fees of petit jurors in Hancock county, -	105	108, 153	161	
86	A bill to authorize the trustees of the Vincennes University to sue the State, -	105	108	153	
104	A bill increasing the per diem allowance of grand and petit jurors, -	154	186, 340, 470	507	
107	A bill to change the mode of districting hands to work roads in Orange county, -	163	183, 184	248	295
109	A bill divorcing William Martin and Susan Martin of Warwick county, -	163	184	184	
112	A bill to amend a certain act therein named, -	163	185, 340, 387	437	
114	A bill to repeal an act in relation to roads in Bartholomew county, -	163	185		
116	A bill to authorize certain trustees to lay off a town, -	163	184, 198	287	
		163	184, 248		



BILLS OF THE HOUSE—Continued.

Number.	SUBSTANCE OF TITLE.	Reported from House.	Proceedings before Passage.	Passed Senate.	Other Proceedings.
119	A bill providing for the better preservation of legislative papers, - - - - -	163	184	328	
120	A bill to repeal a certain act therein named, - - - - -	163	184, 340, 354	238	
121	A bill to vacate a certain road in Jefferson county, - - - - -	163	184		
126	A bill to divorce Jared S. Ryker and Thursa Ann Ryker, - - - - -	163	184, 340, 386, 387		
127	A bill to abolish the office of auditor in Ohio county, - - - - -	163	186, 340, 350		
128	A bill declaring a certain road in Dearborn county a State road, - - - - -	163	185, 339, 365	365	
129	A bill in relation to county orders, - - - - -	163	185, 352		
131	A bill to abolish the office of auditor in Johnson county, - - - - -	163	186, 186	383	
47	A bill to provide for a more efficient mode of expending the road tax in certain counties, - - - - -	114	184, 199	386	
50	A bill to amend the first section of article one, chapter forty-two, Revised Statutes of 1843, - - - - -	115	184, 340, 355		
153	A bill for the relief of Felix Ingoldsby, - - - - -	115	184, 340, 359	384	
150	A bill for the relief of the borrowers of school funds loaned in the several counties, - - - - -	116	184, 225, 299, 365		

35	A bill to amend the seventy-third and seventy-fourth sections of the fifty-third chapter of the Revised Statutes of 1843, - - - - -	131	167	166	185
29	A bill to restrict the operation of an act in relation to county commissioners and library trustees, - - - - -	131	167	502	
52	A bill for the relief of purchasers of canal lands, - - - - -	132	167		
58	A bill to amend sections ninety-two and one hundred and twenty-eight, chapter thirty-five, article four, Revised Statutes of 1843, - - - - -	132	166, 243		
72	A bill relative to appeals and writs of error and writs of habeas corpus, - - - - -	132	166, 226		
108	A bill to incorporate the Terre Haute Greys, - - - - -	132	166	196	
96	A bill for the relief of John Drummond, - - - - -	132	166	166	
117	A bill to authorize the treasurer of Pike county to act as school commissioner, - - - - -	132		153	
89	A bill to amend statutes relative to clerks of executors' and administrators' sales, - - - - -	132	166, 268	385	
94	A bill to change the mode of appointing examiners of common school teachers in Orange county, - - - - -	132	167	167	
68	A bill to amend section 175, chapter forty-seven, Revised Statutes of 1843, relative to costs in appeals from justices of the peace, - - - - -	132	167, 225, 365		
90	A bill for the relief of Thomas Carrioco, of Knox county, - - - - -	132		166	173, 225
101	A bill to change the names of Edward C. Hawkins and Edward Musseth, - - - - -	147	167	167	
124	A bill to change the time of summoning petit jurors to appear in Vigo county, - - - - -	147	166, 339	386	



BILLS OF THE HOUSE—Continued.

708

<i>Number.</i>	<i>SUBSTANCE OF TITLE.</i>	<i>Reported from House.</i>	<i>Proceedings before Passage.</i>	<i>Passed Senate.</i>	<i>Other Proceedings.</i>
12	A bill to legalize the election of Russell Mitchell, justice of the peace in Lawrence county, - - -	147	168	177	
97	A bill to locate a State road in Tippecanoe county, - -	147	168	168	
98	A bill to vacate part of the town of New Plymouth, in Marshall county, - - -	147	168	177	
100	A bill to amend an act fixing the time of holding probate courts in Martin county, - - -	147	167	168	
113	A bill to change the time of holding courts in Adams county, - - -	147		168	
135	A bill for the relief of William J. Chaplin, - - -	163	182, 365	366	
138	A bill to revive an act relative to writs of ne exeat, - -	163	185, 226		
140	A bill to take the sense of the qualified voters relative to a convention to revise the State constitution, - - -	163	183, 610	611	
144	A bill regulating the duties of county commissioners in this State, - - -	163	182, 339, 354		
147	A bill relative to sale of saline lands in Orange county, -	163	182, 341	182	
159	A bill divorcing Nancy Casto from Jonathan Casto, her husband, - - -	164	168	168	

709

142	A bill changing the time of holding circuit and probate courts in Clark county, - - -	164	182, 183, 211, 212	382	
160	A bill authorizing county board of St. Joseph county to employ physician for the poor, - - -	164	168	168	
164	A bill for the relief of purchasers of school lands in Randolph county, - - -	164	185, 340		
163	A bill to change the name of Aberdeen, in Hamilton county, -	164	185		
151	A bill to amend the first article, fiftieth chapter, of Revised Statutes of 1843, - - -	176	183, 341, 354		
79	A bill to regulate the fees of sheriffs in sales of mortgaged premises, - - -	176	183, 342		
87	A bill to amend the law regulating the practice in the eleventh judicial circuit, - - -	176	183, 342	511	
83	A bill to amend the twenty-ninth and thirtieth chapters of Revised Statutes of 1843, - - -	176	183, 340, 367		
110	A bill to authorize the reappraisal and sale of school lands in this State, - - -	186	260, 342	459	
69	A bill in relation to a contractor on the Madison and Indianapolis railroad, - - -	195	259, 260	479	550
81	A bill to lease water power on the Wabash and Erie canal, -	195	260, 341, 392	430	
103	A bill to modify the thirtieth section, sixteenth chapter, Revised Statutes of 1843, - - -	195	262, 339, 355, 511		
156	A bill for the relief of purchasers of canal lands lying in the county of Cass, - - -	195	262	502	
157	A bill incorporating the Logansport and Rochester Michigan Road, - - -	195	262, 300, 301, 355	384	
182	A bill to legalize certain deeds therein named, - - -	195	262, 339	458	
185	A bill to amend an act therein named, - - -	195	262, 343, 356	384	



BILLS OF THE HOUSE—Continued.

710

Number.	SUBSTANCE OF TITLE.	710			
		Reported from House.	Proceedings before Passage.	Passed Senate.	Other Proceedings.
204	A bill defining the boundaries between Clark and Washington counties, - - - - -	195	260	385	
183	A bill to correct the boundary line of Richardville county, - - - - -	195	260, 341	431	
211	A bill to revive part of an act therein named, in the county of Dearborn, - - - - -	195	262		550
212	A bill transferring the duties of school commissioner of Davies and Martin counties to the treasurer, - - - - -	195	262, 339		
148	A bill for the relief of the widow and children of Jesse Clinger, deceased, - - - - -	219	262, 340	547	
171	A bill to divorce Adam Shambaugh and Elizabeth Shambaugh, - - - - -	219	262, 340, 387	388	
173	A bill declaring a certain road a State road, - - - - -	219	262, 343	384	
174	A bill to locate a State road from Robinson's Ferry to Harrisonville, - - - - -	219	262, 343	385	
175	A bill to divorce F. Hartsell and Rosanna Hartsell, - - - - -	219	262, 343, 387	482	
177	A bill for the relief of James Rutherford, - - - - -	219	262, 343, 357		
178	A bill for the relief of borrowers of surplus revenue and other trust funds, - - - - -	219	261, 296, 298		

711

Number.	SUBSTANCE OF TITLE.	711			
		Reported from House.	Proceedings before Passage.	Passed Senate.	Other Proceedings.
181	A bill to pay justices for acting as county board in Warriek county, - - - - -	219	261	261	
186	A bill to reduce the fees of the recorder of the county of Johnson, - - - - -	219	261, 343, 385	427	
187	A bill relative to fees of recorders in Jackson, Adams, and Jay counties, - - - - -	219	261	287	
188	A bill for the more economical management of the school fund, - - - - -	219	261, 321		
189	A bill for the more effectual punishment of offences in Allen county, - - - - -	219	261, 338, 357		
190	A bill regulating circuit courts in Tippecanoe county, - - - - -	219	260, 342		
191	A bill authorizing trustees of Lafayette to hold real estate, and for other purposes, - - - - -	219	260	260	
192	A bill in relation to supervisors of roads in Kosciusko and Whitley counties, - - - - -	219	261, 339	365	
193	A bill authorizing Rhoda Butler to mortgage certain real estate, - - - - -	219	261, 343, 358	384	
194	A bill to extend the term of county board in Tippecanoe county, - - - - -	219	261, 342	384	
195	A bill to change the time of holding probate courts in Pike county, - - - - -	219	260	260	
196	A bill to extend a certain act to Madison county, - - - - -	219	261, 338	401	
197	A bill for the relief of the heirs of Michael Ross, deceased, - - - - -	219	260, 339		535
201	A bill prescribing the mode of selecting jurors in Sullivan county, - - - - -	219	261	261	
206	A bill changing the time of holding probate courts in Cass county, - - - - -	220	260, 343	384	



BILLS OF THE HOUSE—Continued.

712

<i>Number.</i>	<i>SUBSTANCE OF TITLE.</i>	<i>Reported from House.</i>	<i>Proceedings before passage.</i>	<i>Passed Senate.</i>	<i>Other proceedings.</i>
208	A bill to repeal in part an act in relation to summoning jurors in Decatur county, - - -	220	260, 338	279	
209	A bill to extend provisions of Revised Statutes 1843, to Posey county, in relation to roads and highways, - -	220	260, 341	385	
214	A bill to change the mode of working roads in Rush county, -	220	260, 343	385	
215	A bill to divorce Benjamin Rosecrantz and Sarah Ann Rosecrantz of Perry county, - - -	220	262, 238	385	
217	A bill for the relief of Barbara Ann May, - - -	220	262, 339, 388	429	
133	A bill to amend an act relative to proceedings in probate courts, -	223	264, 338, 357		
136	A bill to amend the 326th section, chapter 40, Revised Statutes 1843, - - -	223	265, 338, 358	384	
168	A bill to punish embezzlement the same as larceny is punishable by law, - - -	224	262, 341, 352		
246	A bill to vacate an alley in Greencastle, - - -	224	263, 341	384	
158	A bill to vacate part of State road from Williamsport to Newtown, - - -	224	263, 342	385	556
218	A bill to incorporate female seminary of St. Mary's of the Woods, in Vigo county, - - -	224	264, 342	399	

713

221	A bill prescribing mode of advertising sale of lands mortgaged to sinking fund, - - -	224	263, 343	566	
223	A bill declaring a mistake in Revised Statutes 1843, relative to boundary of Fulton and Kosciusko counties, - -	224	265, 339	431	
152	A bill to amend article fifth, chapter forty, Revised Statutes of 1843, - - -	224	264, 344, 360	385	
226	A bill for the relief of Nathaniel Coal of Warrick county, -	224	338, 352	384	
227	A bill to authorize clerks of circuit courts to administer oaths to certain persons, - - -	224	265, 337, 353		
180	A bill for the benefit of the widow and heirs of John Ser-ring, late of Jefferson county, - - -	224	264, 338	391	
244	A bill to authorize William M. Pugh and Willis Hodges to substitute their notes and mortgages to State for that of Otis and William Pugh, - - -	224	264		
222	A bill providing for the election of an additional justice of the peace in Union township, Montgomery county, - -	224	264, 343	277	
36	A bill to vacate a part of a State road in Franklin county, -	237		385	
199	A bill to amend the 73d section, 15th chapter, Revised Statutes 1843, - - -	248	264, 338, 354	237	
241	A bill for the relief of district No. 3, congressional township No. 28, range 3 east, Adams county, - - -	248	263, 343, 421		459
232	A bill fixing the time of holding courts in the 5th judicial circuit, - - -	248	264, 342		
239	A bill to place swinging gates on highways, in Dearborn county, - - -	248	264, 342, 400		431
243	A bill in relation to the probate courts of Henry county, -	248	263, 343	367	
238	A bill regulating the mode of collecting costs in the several courts in this State, - - -	248	264	391	



<i>Number.</i>	<i>SUBSTANCE OF TITLE.</i>	<i>Reported from House.</i>	<i>Proceedings before passage.</i>	<i>Passed Senate.</i>	<i>Other proceedings.</i>
237	A bill to amend the 65th section of chapter 54, Revised Statutes 1843, - - -	248	264, 342	535	
210	A bill to amend the 40th chapter Revised Statutes 1843, relative to serving process, - - -	248	264, 338, 368	383	
264	A bill for the relief of John Johnson of Laporte county, - - -	248	263, 342	385	
235	A bill extending the time of holding probate courts in Shelby county, - - -	248	264, 342	385	
250	A bill to incorporate the Ohio and Indianapolis railroad company, - - -	274	412	556	658, 662
272	A bill to provide for the transfer of the surplus revenue, &c. - - -	274	410	535	
248	A bill to prescribe the mode of advertising delinquent lands, - - -	274			
257	A bill to correct the boundary line of Carroll county, - - -	274	409	431	
249	A bill for the relief of John B. Coleman and others of Daviess county, - - -	275	410	522	
248	A bill relative to tax titles, - - -	275	408	511	
12	A bill to amend an act to incorporate the Michigan road company, - - -	275	410, 519	479	550
141	A bill to allow owners of partnership fences to remove the same, - - -	275	408		

253	A bill changing the name of Dobynsville to Chambersburg, Jefferson county, - - -	295	408	459	
254	A bill authorising John Howenstein, his heirs and assigns, to improve and keep mills on St. Mary's river, in Allen county, - - -	296	408		
256	A bill to repeal 92d, 93d and 94th sections, chapter 15, Revised Statutes 1843, relative to county board examining trust funds, - - -	296	411, 473		
261	A bill locating a State road in Fulton and Marshall counties, - - -	296	409	458	
70	A bill to incorporate the Evansville medical society, and that they may erect a college, - - -	296	409	556	
172	A bill to incorporate the Union medical society of northern Indiana, - - -	296	408	556	
231	A bill for the relief of Benjamin Powell and the heirs of Harrison Barnett, deceased, - - -	296	410	512	
234	A bill to amend an act to incorporate the city of Fort Wayne, - - -	296	409		
240	A bill erecting a road bridge on the Wabash and Erie canal, - - -	296	409	512	
252	A bill for the relief of purchasers of school lands in Lost creek township, in Vigo county, - - -	296	409	539	
273	A bill authorizing B. T. C. Lodge, late collector of Jefferson county, to collect arrearages of taxes, - - -	296		459	
286	A bill for the relief of Causley M. Lewis, - - -	302		306	
169	A bill to incorporate the Hagerstown musical institute, - - -	306	408		
236	A bill to amend the tenth article and fortieth chapter Revised Statutes of 1843, - - -	306	408, 471		
270	A bill to assess a school tax in the counties of Adams and Jay, - - -	306	408	524	529



**BILLS OF THE HOUSE—Continued.**

<i>Number.</i>	<i>SUBSTANCE OF TITLE.</i>	<i>Reported from House.</i>	<i>Proceedings before Passage.</i>	<i>Passed Senate.</i>	<i>Other Proceedings.</i>
271	A bill to locate a State road in the counties of Ohio and Switzerland, - - - - -	307	410	458	
277	A bill to prevent county auditors from practising as attorneys at law, in county commissioners court, - - -	307	410	512	
269	A bill for the relief of purchasers of canal lands, - - -	307	409	563	
4	A bill for the relief of David Stoner and others, - - -	323	410	512	
265	A bill limiting the time within which actions for the recovery of real estate shall be commenced, - - -	323	412		
55	A bill relative to the issuing of executions, - - -	323	408	512	
251	A bill for the relief of Alexander J. Line, of Wayne county, - - -	323	408	508	
260	A bill for the relief of James Vawter, - - -	323	408		
268	A bill relative to the duties of county recorder - - -	323	410		
255	A bill in relation to evidence where the records have been destroyed by fire, - - -	323	411	458	
274	A bill for the relief of purchasers of school lands in Fulton county, - - -	323	411		
278	A bill for the election of county surveyors in Fulton and Marshall counties, - - -	323	410	458	

279	A bill for the relief of Sarah Wallace, - - -	323	408	458	
15	A bill for the relief of purchasers of canal lands lying in Cass county, - - -	337	337		
207	A bill for the benefit of supervisors in Scott county, - - -	377	409	435	
266	A bill for the relief of James Miller, - - -	377	408	464	
287	A bill to change part of the New Albany and Crawfordsville road to a Railroad, - - -	377	408	535	
289	A bill establishing a State road in the counties of Montgomery and Fountain, - - -	377	408	458	
295	A bill to incorporate the city of New Albany, - - -	377	410, 431	508	
300	A bill concerning a road tax in Wells county, - - -	377	410	458	
302	A bill to vacate the town of Blakesburgh in Putnam county, - - -	377	410	459	
303	A bill to require plaintiffs in Washington county to give security for costs in certain cases, - - -	377	409		
306	A bill for the relief of Eliza Ann Storm, of Marion county, - - -	377	409	459	
315	A bill to define the powers of judges when acting in cases of writs of habeas corpus, - - -	377	409	506	
336	A bill to authorize the sale of certain school land in township number thirty-six, range two west, in Laporte county, - - -	377	409		
65	A bill to attach certain territory to Jennings county for road purposes, - - -	377	409	409	
91	A bill relative to the punishment of treason and murder in the first degree, - - -	395	411	458	
139	A bill to amend the first article, fifty-third chapter Revised Statutes of 1843, - - -	396	411, 504, 506	506	
166	A bill to amend an act to incorporate the Vevay and Napoleon turnpike company, - - -	396	411	512	
		396	411	535	



BILLS OF THE HOUSE—Continued.

718

Number.	SUBSTANCE OF TITLE.	Reported from House.	Proceedings before passage.	Passed Senate.	Other proceedings.
184	A bill to incorporate the White river navigation company,	396	413	512	
205	A bill to amend an act for the incorporation of the Michigan road company,	396	410	508	
225	A bill to incorporate the Hoosier band, of Greenfield,	396	410	513	
283	A bill allowing the commissioner of the Wabash and Erie canal to employ an engineer,	396	410	546	
285	A bill granting the right of way to a company to construct a road through Vermillion county,	396	411	508	
296	A bill to locate a State road in Miami and Madison counties,	396	411	512	
299	A bill for the relief of Susan Wherley of Hamilton county,	396	411	459	
305	A bill for the relief of Robert Stockwell of Gibson county,	396	411	464	
308	A bill legalizing the acts of certain justices of the peace of Allen county,	396	411	458	
310	A bill relative to tavern license in Cass county,	396	411	458	
311	A bill amending third article, sixteenth chapter, Revised Statutes 1843,	396	412, 470		
312	A bill declaratory of an act therein referred to,	396	412, 512		

719

313	A bill for the relief of Martha Jane Vanduzen of Vanderburgh county,	396	412	458	
316	A bill authorizing district and township trustees to administer oaths, &c.,	396	412, 475		
317	A bill for the relief of the heirs of Henry Stevenson, deceased,	396	412	513	
318	A bill relative to apprentices,	396	412, 445	566	
325	A bill to re-locate a State road in Marion county,	396	412	459	
326	A bill to abolish the necessity of special legislation in Adams and Jay counties,	396	412, 435	458	
342	A bill for the relief of Lucinda Sparks, of Floyd county,	396	412	436	
399	A bill for the payment of Mary Wood for damages on Jeffersonville and Crawfordsville road,	428		580	
213	A bill to amend an act entitled, "An act to provide for the construction of any part of the public works,"	428	466	519	
292	A bill for the relief of Jacob Jones, Sr.,	428	466	510	
320	A bill for the relief of messengers to notify electors for President and Vice President of the United States,	428	466	484	
321	A bill to establish a State road in Dekalb and Allen counties,	428	466, 483	510	
322	A bill to authorize Aaron Sayer and Daniel Sayer to build a mill dam across the Mississinewa,	428	466, 483	510	
323	A bill to require certain Statutes to be published at Indianapolis,	428	466, 484	576	
327	A bill to divorce Peter Johnson,	428	466	508	
328	A bill to divorce Mary Ann Banks,	428	466, 467, 484	508	
330	A bill to amend the several acts for the preservation of the State House and legislative papers,	428	467	506	



BILLS OF THE HOUSE—Continued.

720

Number.	SUBSTANCE OF TITLE.	Reported from House.	Proceedings before passage.	Passed Senate.	Other proceedings.
333	A bill to declare a misprint in certain cases, - - -	428	467, 485	578	
335	A bill for the relief of James Kitchen, - - -	428	467, 485	509	
337	A bill for the collecting of road tax in Hamilton county, -	429	467, 485	508	
338	A bill to amend an act to establish a free turnpike road in Jay county, - - -	429	467, 485	519	
344	A bill to authorize the levying a road tax in Franklin county, - - -	429	467, 485	508	
347	A bill to amend the law regulating the duties of supervisors of roads, - - -	429	466	592	
348	A bill to extend the time of commissioners' court in Hamilton and Laporte counties, - - -	429	466	483	
374	A bill to vacate a public highway in Greene county, -	429	466, 484	510	
379	A bill to amend an act to incorporate the Buffalo and Mississippi Railroad Company, - - -	433	466		
367	A bill to define the line of certain school districts in Clay county, - - -	456	466		
383	A bill to vacate a part of the village of Mishawaka, -	456	466	512	

382	A bill providing for leveeing the banks of Jordan creek in Vigo county, - - -	456	484	512	
369	A bill giving certain powers and authority to road commissioners in Carroll county, - - -	457		513	
368	A bill for the relief of the heirs of the late Captain Richard McCarty, - - -	457		465	
418	A bill for the relief of Thomas Murphy, deceased, of Brookville, - - -	471		528	
276	A bill in relation to justices' jurisdiction, - - -	483			
339	A bill to repeal part of a certain act therein named, and for other purposes, - - -	483		528	
359	A bill to incorporate the Philomathean Society of Indiana University, - - -	483		528	
364	A bill to attach the county of Tippecanoe to the eighth judicial circuit, and for other purposes, - - -	483			
380	A bill to authorize the sale of a school section in Jay county, -	483		530	
387	A bill to legalize the assignment of certificates to school lands, &c., - - -	483		530	
385	A bill to establish another precinct in Perry county, - -	483		528	
152	A bill to divorce Cynthia Duvault, &c., - - -	483			
307	A bill to amend the fourth article, chapter seven, Revised Statutes 1843, - - -	493		576	
345	A bill to authorize the commissioners of Carroll county to make a certain appropriation, - - -	493		529	
350	A bill for the relief of Thomas Daniels and William Daniels, executors of James Daniels, deceased, - - -	493		575	
351	A bill to authorize Samuel J. Hege to build a mill dam across Tippecanoe river, - - -	493		529	

721



BILLS OF THE HOUSE—Continued.

722

Number.	SUBSTANCE OF TITLE.	Reported from House.	Proceedings before passage.	Passed Senate.	Other proceedings.
353	A bill relative to amending the act incorporating South Bend,	493		529	
354	A bill supplemental to an act incorporating South Bend Manufacturing company,	494			
355	A bill to vacate part of the town of Independence in St. Joseph county,	494		529	
356	A bill legalizing the acts of John F. Merrill, justice of the peace, of Huntington county,	494		528	
357	A bill to amend the seventh section of the twenty-seventh chapter Revised Statutes of 1843,	494		579	
358	A bill relative to the fees of the Auditor of Monroe county,	494		530	
363	A bill declaring a certain road a State road,	494		529	
365	A bill amendatory to the several acts relative to the New Albany and Vincennes road,	494	580	589	
366	A bill to locate a State road in Bartholomew, Jennings and Decatur counties,	494		529	
370	A bill granting additional powers to trustees of the town of Dublin,	494		528	

723

371	A bill for the relief of E. J. Peck,	494	576	579	
372	A bill to repeal certain acts therein named,	494	575		
373	A bill for the relief of James S. Mayes, late school commissioner of Knox county,	494			
375	A bill to allow John Carter to relinquish saline lands in Brown county,	494			
384	A bill authorizing the commissioners of Henry county to reduce the width of county roads,	494		618	
387	A bill legalizing the election and official acts of Wells county,	494		528	
389	A bill to provide for a free turnpike road in Steuben county,	494		590	
390	A bill for the relief of Henry D. Smith,	494		581	
392	A bill for the relief of Indiana Young,	494		566	
393	A bill to divorce Robert Hemphill of Monroe county,	494		566	
400	A bill to authorize the Auditor of Madison county to sell a sixteenth section,	494		529	
403	A bill to vacate a part of a State road in Bartholomew county,	494		530	
407	A bill to locate a State road in Noble county,	494		528	
408	A bill to incorporate the town of Hagerstown,	494		528	
409	A bill declaring the meaning of an act allowing J. Quinn and James Norvell to erect toll bridges,	495		589	
410	A bill to resurvey section sixteen, township three south, range five east, in Harrison county,	495		530	
412	A bill for the relief of John Patterson of Boone county,	495		578	
415	A bill to secure Ohio county a share of school fund and surplus revenue fund,	495			



BILLS OF THE HOUSE — Continued.

724

Number.	SUBSTANCE OF TITLE.	Reported from House.	Proceedings before passage.	Passed Senate.	Other proceedings.
420	A bill regulating the times of holding probate courts in Greene county, - - -	495		539	
423	A bill for the relief of Henry Mancell and widow and children of John Reed, deceased, - - -	495		530	
428	A bill for the relief of Mary Ann Bruner, - - -	495		566	
430	A bill legalizing the acts of board of trustees of the town of Rising Sun, in Ohio county, - - -	495		529	
431	A bill to legalize the acts of Daniel B. Redman, - - -	495		529	
439	A bill relative to the change of a State road in Boone county, - - -	495		529	
440	A bill to amend the road law in Tipton county, - - -	495		528	
462	A bill to locate a certain State road therein named, - - -	548		560	
463	A bill to locate a certain State road therein named, - - -	548		559	
464	A bill to amend an act to incorporate the Laporte university, - - -	548		560	
465	A bill to furnish Tipton county with the Revised Statutes, - - -	548		560	
466	A bill to incorporate the Madison Cemetery, - - -	548		559	
293	A bill to authorize Nicholas McCarty to build a mill dam across White river, - - -	548		551	

725

446	A bill to incorporate Hagerstown and New Castle turnpike company, - - -	548	558	648	
443	A bill to locate a State road therein named, - - -	548			
396	A bill to amend the forty-sixth section of chapter twelve, Revised Statutes of 1843, - - -	548		654	
428	A bill to exempt from taxation for corporation purposes certain lands in Lawrenceburgh, - - -	548		590	
297	A bill to incorporate the Greenfield railroad company, - - -	549	583	586	
414	A bill relative to supervisors in the counties of Carroll and Clinton, - - -	549		581	
404	A bill for the relief of Jacob Whisler, - - -	549		559	
401	A bill to amend seventh chapter of section seventy-four of Revised Statutes of 1843, - - -	549		581	
397	A bill to revive the militia law, - - -	549		590	
381	A bill to divorce Arthur E. Williams, - - -	549		654	
334	A bill to incorporate the Lawrenceburgh and Rushville turnpike company, - - -	549		559	
282	A bill to incorporate the Wild Cat navigation company, - - -	549		581	
332	A bill amending chapter fifty of the Revised Statutes of 1843, - - -	549		558	
429	A bill to repeal an act so far as Posey county is concerned, - - -	549		564	
395	A bill to provide for the payment of the members and officers of the General Assembly, - - -	549		559	
314	A bill to subject certain lands to taxation, - - -	549		581	586
417	A bill to extend the times of holding probate courts in Parke and Posey counties, - - -	549		558	
447	A bill for the relief of the securities of W. H. Darnall, late school commissioner of Hendricks county, - - -	549		564	



BILLS OF THE HOUSE—Continued.

726

Number.	SUBSTANCE OF TITLE.	Reported from House.	Proceedings before passage.	Passed Senate.	Other proceedings.
448	A bill to provide for doing county business in the county of Clay, -	549		558	
461	A bill to vacate a part of the town of South Bend, in St. Joseph county, -	549		559	
445	A bill to incorporate the Knightstown and Shelbyville Railroad Company, -	549		583	
449	A bill for the relief of the owners of wet lands in Allen county, -	549		558	
452	A bill fixing the time of holding courts in the ninth judicial circuit, -	549		557	
394	A bill making general appropriations for the year 1846, -	549	609	610	
411	A bill relative to a State road in Elkhart county, -	549		557	
460	A bill to incorporate the Madison and Napoleon Turnpike Company, -	549		585	
362	A bill to provide for the funded debt of the State, and for the completion of the Wabash and Erie canal, -	587	{ 594, 595, 598, 599, 600, 601, 602, 603, 618 }		
458	A bill authorizing a settlement with Spears & Case, -	592			

727

402	A bill for the relief of Rufus A. Lockwood, -	593		593	
61	A bill for the relief of Aaron Stanton and others, -	596			
340	A bill authorizing the superintendent of the Wabash and Erie canal to employ an engineer, -	596		621	
361	A bill in relation to collectors of State and county revenue, -	596		620	
298	A bill for the relief of Elizabeth Preston, -	596		621	
294	A bill to amend the act incorporating the town of Vevay, -	596	657	657	
386	A bill granting the citizens of Lawrenceburgh a city charter, -	596		657	
468	A bill explaining a certain act therein named, -	596		621	
473	A bill to amend an act therein named, -	596		621	
405	A bill to define the channel of Turtle creek, in Sullivan county, -	596		621	
486	A bill to revive an act relative to the Hagerstown and Winchester Turnpike Company, -	596		621	
478	A bill declaring a county road a State road in Putnam and Clay, -	596		621	
479	A bill for the benefit of Rachael Blair, executrix of Enos Blair, deceased, -	596		621	
456	A bill to amend an act incorporating the Indiana Fire Insurance Company, -	596			
426	A bill to provide for a settlement with the superintendent of the State Prison, -	596		622	
433	A bill for the relief of county auditors, -	596	653	621	648
413	A bill for the relief of John Davis, of Orange county, -	596	621		
474	A bill for the relief of Andrew Richardson, -	596	621	622	
469	A bill extending the time of holding courts in the sixth judicial circuit, -	596		620	
		596		622	



BILLS OF THE HOUSE—Continued.

728

<i>Number.</i>	<i>SUBSTANCE OF TITLE.</i>	<i>Reported from House.</i>	<i>Proceedings before passage.</i>	<i>Passed Senate.</i>	<i>Other proceedings.</i>
422	A bill to locate a State road from Troy to Hillsboro', in Martin county, - - -	596		622	
475	A bill to provide for the appointment of township assessors in Tipton county, - - -	596		621	
424	A bill for the relief of Jacob Enshwiller, - - -	597		622	
391	A bill relating to the third judicial circuit, - - -	597		622	
453	A bill providing for the safety of mortgages to trust funds, - - -	597			
455	A bill to allow the principal of deaf and dumb asylum the use of State Library, - - -	597	654	654	
471	A bill compensating the Auditor and Secretary of State for issuing canal land patents, - - -	622		622	
481	A bill for raising revenue for 1846, - - -	622	623	647	
434	A bill to pay expense of surveying and locating the Wabash and Ohio canal from Terre Haute to Evansville, - - -	624	625		
485	A bill for the payment of expense of classifying canal lands, &c., - - -	628		629	
482	A bill amendatory of the school law, - - -	637			
454	A bill to amend the estray law, - - -	637	656		

729

441	A bill to incorporate New Albany and Corydon Turnpike, - - -	637	656	656	
467	A bill prescribing how much lime shall pass for a bushel, - - -	637	656	656	
461	A bill to locate a State road from Greencastle to Covington, - - -	637	656	652	[666
493	A bill making specific appropriations for the year 1846, - - -	641	648, 650, 651		662, 663, 664,
495	A bill amending act relative to additional place of holding elections in Vermillion county, - - -	641			
470	A bill relative to delinquent lands in Richardville county, - - -	645		646	
476	A bill to divorce Rowley McRay and Sarah McRay, - - -	645		646	
489	A bill relative to five per cent. damages on sinking fund sales, - - -	645	646		
477	A bill for the relief of E. F. Lucas, - - -	645		646	
33	A bill repealing an act making canal scrip receivable for tolls, &c., - - -	645			
259	A bill to subdivide certain school districts in Randolph and Delaware, - - -	646	646, 653		
399	A bill to incorporate the Milton and Lewisville Turnpike Company, - - -	656			
406	A bill to incorporate the Fort Wayne and Cambridge City Railroad Company, - - -	656	656		
495	A bill to establish a free turnpike road in Allen county, - - -	656		656	
294	A bill to incorporate the Madison Fire Insurance Company, - - -	656	656		
398	A bill to amend an act to incorporate the Terre Haute Drawbridge Company, - - -	656	656		
472	A bill to amend the 218th section of the 13th chapter of the Revised Statutes of 1843, page 267, - - -	658	658	658	
85	A bill declaratory of the meaning of an act authorizing the commissioner of Wabash and Erie canal, east and west of Tippecanoe river, to sell lands in forty acre tracts, - - -	663		663	



## C

## COMMUNICATIONS.

From John Evans, - - - - -	341
From J. P. Chapman, State Printer, - - - - -	360
From J. P. Chapman, State Printer, - - - - -	378
From James Morrison, President State Bank, - - - - -	452
Joseph R. Pratt, - - - - -	427
Joseph R. Pratt, - - - - -	39

## F

## FRAZER, JOHN.

Elected superintendent on New Albany and Vincennes road, 297

## G

## GOVERNOR.

Annual message of, - - - - -	16
Communication of, relative to Charles Butler, Esq., - - - - -	147
Appoints John B. Powers Private Secretary, - - - - -	40
Communicates to the Senate the report of engineer on the canal between Evansville and Terre Haute, - - - - -	226, 227
Reports to the Senate relative to the authority of Charles Butler, Esq., - - - - -	257
Nominates to the Senate Samuel E. Perkins and Thomas L. Smith for supreme judges, - - - - -	488

## JOINT RESOLUTIONS OF THE SENATE.

Number.	Substance of Title.	Introduced.	Proceedings before passage.	Passed Senate.	Passed House.	Other Proceedings.	Approved.
1	A joint resolution on the subject of the improvement of the western rivers, - - - - -	46	47	47	76		128
2	A joint resolution legalizing the acts of Henry Stricklin, a justice of the peace of Greene county, - - - - -	46	48	48	77		310
3	A joint resolution relative to overflowed public lands, - - - - -	48	86	104	175		356
4	A joint resolution relative to the lands donated by the General Government to the State of Indiana for the Wabash and Erie canal, - - - - -	101					
5	A joint resolution on the subject of the Oregon boundary, - - - - -	149	186, 187				670
6	A joint resolution on the subject of the vacant lands in the State of Indiana, - - - - -	155	165, 339, 445	479			438
7	A joint resolution on the subject of the river Ohio, (improvement), - - - - -	172		172	224		
8	A joint resolution on the subject of the election of superintendent on the New Albany road, - - - - -	175		176	248	263	276



JOINT RESOLUTIONS OF THE SENATE—Continued.

Number.	SUBSTANCE OF TITLE.	Introduced.	Proceedings before Passage.	Passed Senate.	Passed House.	Other Proceedings.	Approved.
9	A joint resolution in relation to the Oregon boundary,	175	{ 362, 370, 371, } { 372, 373, 374, } { 375, 376	413	660		671
10	A joint resolution on the subject of liens on real estate,	267	342	383	550		668
11	A joint resolution relative to the Michigan and Lafayette branches of State Bank,	278		414	495		660
12	A joint resolution relative to the Cumberland road,	368					
13	A joint resolution relative to purchase of fire engine, &c.,	397	496				
14	A joint resolution directing an insurance on the State House, &c.,	419	443, 503				
15	A joint resolution fixing the per diem allowance of associate judges in the county of Tippecanoe,	461		461	605		669
16	A joint resolution in relation to the Indiana Historical Society,	486		504	604		668

732

JOINT RESOLUTIONS OF THE HOUSE.

Number.	SUBSTANCE OF TITLE.	Reported from House.	Proceedings before Passage.	Passed Senate.	Other Proceedings.
7	A joint resolution instructing our senators and requesting our representatives in Congress to procure the passage of a law for the relief of pre-emption settlers on the Miami Reserve,	76	81		
1	A joint resolution reviving in part a certain act therein named,	76	81, 111		
20	A joint resolution relative to the claim of Colonel Francis Vigo,	76	81	81	
44	A joint resolution relative to the Michigan City Harbor,	76	80	80	
45	A joint resolution relative to appropriations on the St. Joseph river,	76	81	431	
19	A joint resolution relative to the inland seas of the Western country,	105	106		
145	A joint resolution memorializing Congress to sell congressional townships,	182	182	479	
220	A joint resolution on the subject of the reservoir in Mercer county, Ohio,	224	265, 338	479	

733



## JOINT RESOLUTIONS OF THE HOUSE—Continued.

734

<i>Number.</i>	<i>SUBSTANCE OF TITLE.</i>	<i>Reported from House.</i>	<i>Proceedings before passage.</i>	<i>Passed Senate.</i>	<i>Other proceedings.</i>
280	A joint resolution relative to the unsold public lands in the Vincennes district, - - -	314	410		
179	A joint resolution on the subject of the reduction of the price of the public lands, - - -	457	484	648	
436	A joint resolution relative to Col. John Spencer, late receiver of the land office, - - -	483		484	
352	A joint resolution relative to the Buffalo and Mississippi railroad company, - - -	493		584	
377	A joint resolution relative to reducing the price of public lands, - - -	494	648	648	
376	A joint resolution transferring a certain book from State Library to State University, - - -	494		618	
378	A joint resolution extending the provisions of a certain act therein named, - - -	494		526	
438	A joint resolution relative to the Signers of the Declaration of Independence, - - -	548		558	
450	A joint resolution relative to a State road from the St. Mary's river to the Wabash and Erie canal, - - -	549		558	

735

437	A joint resolution relative to the annual publication of Washington's farewell address, &c., - - -	495
488	A joint resolution relative to the naturalization laws, - - -	645
494	A joint resolution on the subject of the Wabash and Erie canal lands from Terre Haute to Evansville, - - -	645

528
646



## J

## JUDGES.

Elected for fourth circuit, James Lockhart,	38
Elected for tenth circuit, David McDonald,	39
Elected for eleventh circuit, Jeremiah Smith,	39

## O

## OFFICERS

Of Senate elected, pages	5, 6, 7, 8
--------------------------	------------

## P

## PETITIONS AND REMONSTRANCES PRESENTED.

Presented by	149, 349, 467, 540
Mr. Akin,	267, 253, 490
Mr. Allison,	109, 443
Mr. Barbour,	73, 178
Mr. Berry of Franklin,	109
Mr. Berry of Monroe,	85, 98
Mr. Bradbury,	137, 266, 420
Mr. Buell,	367
Mr. Bowers,	109
Mr. Chapman of Daviess,	190, 294
Mr. Chapman of Laporte,	
Mr. Chenowith,	222
Mr. Coffin,	189, 294
Mr. Conner,	42, 98, 222, 242, 491
Mr. Cuppy,	36, 267
Mr. Davis,	222
Mr. Edmonson,	36, 154, 174, 307
Mr. Ellis,	210, 211, 420, 540
Mr. English,	73, 85, 189, 443, 540
Mr. Goodenow,	
Mr. Hamer,	
Mr. Hamrick,	98, 294, 467, 469, 540
Mr. Handy,	267, 294
Mr. Hardin,	178
Mr. Henry,	73, 98, 210
Mr. Herriman,	

## PETITIONS, &amp;c.—Continued.

Mr. Holloway,	36, 42, 73, 98, 99, 242, 294, 468
Mr. Howell,	349
Mr. Jackson,	99, 267, 491
Mr. Jones,	36, 266, 266
Mr. Lane,	390, 444
Mr. Leviston,	190, 210
Mr. Logan,	
Mr. Major,	
Mr. Miller,	210
Mr. Montgomery,	266, 307, 468
Mr. Moore,	85, 541
Mr. Morgan of Decatur,	137, 390
Mr. Morgan of Rush,	
Mr. Murphey,	73, 128, 178, 294, 468
Mr. Orth,	
Mr. Parks,	98, 154, 266
Mr. Pomeroy,	36, 128, 349
Mr. Read,	73, 98, 154, 307
Mr. Reyburn,	36, 128, 222
Mr. Rockhill,	36, 39, 73, 222, 265, 266, 266, 444, 469, 490
Mr. Todd,	211, 181, 265, 294, 295, 318, 444, 468
Mr. Verbriek,	
Mr. Winchell,	178, 444, 468, 469, 540
Mr. Wood,	109, 266, 367
Mr. Zenor,	265, 467

## PRESIDENT OF THE SENATE.

Directed a call of the members,	3
Administers oath of office to W. A. Gorman, Principal Secretary of the Senate,	5
Administers oath of office to D. W. Miller, Doorkeeper,	8
Announces the standing committees,	30
Lays before Senate report from Auditor of State,	29
Lays before Senate communication of Joseph R. Pratt,	39
Lays before Senate communication from Governor appointing a private secretary,	40
Lays before Senate communication from John B. Dillon, State Librarian,	47
Appointed select committee on resolution to call a convention,	48
Resigns,	51
Senate proceed to elect, <i>pro tempore</i> ,	51, 52, 53, 54, 55, 56, 57, 58, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73
G. S. Orth elected, <i>pro tempore</i> ,	73
Lays before Senate the reports from Branches of the State Bank,	51
Appoints select committee on apportionment,	51



Lays before Senate communication of Amos Martin and John Wynn,	73
Lays before Senate annual report sinking fund commissioner,	74
Lays before Senate annual report of directors State Bank,	74
Lays before Senate report of trustees of deaf and dumb asylum,	79
Adds Mr. Allison to committee on enrolled bills,	85
Lays before Senate his Excellency's communication with Mr. Butler's communication in relation to bondholders,	94
Lays before Senate communication from Auditor of State,	98
Announces joint committee on the State debt,	98
Adds Messrs. Hamrick, Howell, Jones and Hamer to the committee on enrolled bills,	282
G. S. Orth, Esq. resigns,	490
James G. Read is elected,	490
Lays before Senate communication from J. R. Pratt,	427
Lays before Senate communications of fire insurance company,	532
Presents a communication relative to the regulation of State prison,	540

## RESOLUTIONS OF THE SENATE.

SUBJECT MATTER OF.	Introduced.	Mover's Name.	Other proceedings.	Adopted.
To inform House of Representatives of the organization of the Senate,	9	Logan,	9	9
In relation to the standing rules,	9	Pomeroy,	9	9
Allowing editors and reporters seats within the bar of the Senate,	9	Henry,	9, 10, 11	9
In relation to taking newspapers,	9	Orth,		
Directing Public Printer to furnish copies of standing rules and order of business,	10	Akin,		10
To direct the Door-keeper to furnish Senate with Laws and Journals,	10	Jones,		10
In relation to newspapers,	13	Chapman of L.	14	14
To raise a committee to wait upon the Governor to know at what time it would suit his convenience to deliver his annual message,	14	Read,		14
In relation to adopting joint rules of last session,	14	Akin,		14
To reciprocate House resolution to wait upon Rev. Mr. Daniels,	15	Henry,		15
To wait upon Governor, resolution of House of Representatives reciprocated,	15	Herriman,		15
To print one thousand five hundred copies of Governor's message,	25	Henry,	25, 26, 27, 28	26



# RESOLUTIONS OF THE SENATE—Continued.

## SUBJECT MATTER OF.

Introduced.	Mover's Name.	Other Proceedings.	Adopted.
Raising a select committee on apportionment,	Handy,		28
To reciprocate resolution of House of Representatives to go into election of Judges,	Chapman of L.,		29
To enquire into the expediency of reducing pilot's fees,	Buell,	45	33
To enquire into the expediency of cutting a canal around the falls,	Buell,	86	33
In relation to State Bank,	Todd,		
In relation to allowing Jeremiah Strope for services as Door-keeper,	Allison,	Laid on table.	
In relation to State Librarian furnishing Senate with acts of Congress donating to the State one half the unsold lands in Vincennes district,	Henry,		33
On the Governor's message,	Jackson,	33, 74	33
Referring it to appropriate committees,	Hamrick,		33
On the subject of the appraisement law,	Hardin,	33, 34	33
Committing Governor's message to committee of whole Senate,	Coffin,		37
In relation to re-enacting ne exeat laws,	Hardin,		37
To increase the jury fees,	Pomeroy,		37
To enquire into the expediency of regulating officers' fees,			

740

To abolish office of school commissioner,	Holloway,		37
To transfer probate business to probate circuits,	Verbriek,		37
Asking for better ink,	Chapman of L.,	109	40
Proposing to accept the lands granted for Wabash and Erie canal,	Allison,		40
On the subject of devising plan to dispose of Wabash and Erie canal lands,	Chapman of D.,		40
Proposing to legalize a conveyance made by Reuben Fletcher,	Buell,	110	41
Directing committee on federal relations to report joint resolution asking Congress for a grant of lands to soldiers of late war,	Morgan of D.,		41
On the subject of the stray law,	Logan,		41
On the subject of the Cumberland road,	Holloway,		41
On the subject of subdividing school districts,	Zenor,		42
In relation to compensation to Auditors, &c.,	Bowers,		43
On the subject allowing township trustees to administer oaths,	Murphey,		43
On the subject of the bank tax fund,	Logan,		43
On the subject of repealing part of road law,	Parks,		43
On the subject of advertising sinking fund mortgage sales,	Morgan of D.,	99	44
On the subject of repealing the seventieth and seventy-third section, article four, chapter seven, Revised Statutes of 1843,	Morgan of R.,		44
In relation to assessing property by townships,	Berry of M.,	85	44
In relation to calling a convention to revise the constitution of this State,			
On the subject of granting divorces by the Legislature,	Hamrick,	76	45
On the subject of abolishing capital punishment,	Todd,	109	46
Calling for a report from trustees of Deaf and Dumb Asylum,	Wood,		49
In relation to apportionment,	Todd,		49
In relation to the laws regulating executors and administrators,	Hamer,		49
In relation to adjournment until Monday,	Murphey,	87	49
	Todd,		51

741



# RESOLUTIONS OF THE SENATE—Continued.

## SUBJECT MATTER OF.

	Introduced.	Mover's Name.	Other proceedings.	Adopted.
Calling on Auditor of State for information relative to State bonds,	78	Edmonson,		78
Concerning the location of the Deaf and Dumb Asylum,	78	Wood,		78
On the subject of the University fund,	78	Berry of M.,		78
On the subject of the University fund,	78	Miller,		78
In relation to the interest on the surplus revenue fund,				
In relation to paying tolls and water rents on Wabash and Erie canal in par funds,	78	Cuppy,		78
In relation to the speedy completion of New Albany and Vincennes road,	84	Ellis,		48
Directing State Printer to furnish five hundred copies of the report of commissioner of Wabash and Erie canal,	88	Chapman of L.,		88
In relation to striking certain names from tax duplicates,	88	Parks,		88
In relation to the laws on the subject of the poor,	88	Hardin,	89	89
Directing the Auditor of State to furnish report of New Albany and Vincennes road,	89	Ellis,		89
Proposing to amend the road law,	89	Hamrick,		89
In regard to abolishing security in individual contracts,	89	English,	112	89
In relation to the time of holding certain offices,	89	Leviston,	112	89
Allowing Auditors and Treasurers certain fees for managing surplus revenue,	89	Miller,		89

742

In relation to conduct of sinking fund commissioners,  
 On the subject of apportionment, making one hundred Representatives and fifty Senators,  
 In relation to forfeited school lands,  
 Proposing to exempt certain old persons from paying tax on forty acres of land,  
 Relative to electing prosecuting attorneys by the people in each county,  
 Proposing the revaluation of school lands,  
 Proposing to give justices of the peace jurisdiction in certain cases,  
 In relation to costs of surveying and fixing lines by county surveyors,  
 On the subject of apportionment,  
 Calling on the Governor for information as to Mr. Butler's authority to act as the agent of a portion of our bondholders, their interest, &c.,  
 On the subject and amending the revenue laws as to the mode of collections,  
 On the subject of the militia laws of Indiana,  
 In relation to relinquishing part of sinking fund mortgages,  
 In relation to the loan made to the Wabash college,  
 In regard to the common school law, and amending the same, Asking for a donation of land by Congress for common school purposes,  
 Proposing to repeal certain laws in relation to apprentices,  
 Permitting Gen. Stapp to withdraw certain papers from the files,  
 On the subject of road tax,

89	Berry of F.,	89
90	Hardin,	90
90	Montgomery,	90
90	Chapman of D.,	90
90	Morgan of D.,	90
91	Berry of M.,	91
91	Leviston,	91
91	Morgan of R.,	91
91	Cuppy,	91, 92
96	Murphey,	91
100	Chapman of L.,	100
100	Miller,	100
100	Buell,	100
101	Berry of F.,	101
101	Allison,	101
101	Henry,	101
101	Ellis,	101
124	Chapman of L.,	124
124	Jones,	124

743



# RESOLUTIONS OF THE SENATE—Continued.

## SUBJECT MATTER OF.

	Introduced.	Mover's Name.	Other proceedings.	Adopted.
On the subject of execution laws, - - - - -	124	Parks,		124
For the improvement of White river, - - - - -	124	Allison,		124
On the appraisement laws, - - - - -	125	Moore,		125
On the subject of the repealing clause in charters to companies, - - - - -	125	Verbrike,		125
On adjourning <i>sine die</i> , - - - - -	125	Handy,		125
On amending the one hundred and thirteenth section of chapter twelve of the revised statutes of 1843, - - - - -	125	Holloway,		125
On the subject of road tax, - - - - -	136	English,		136
Calling on Governor for information relative to the survey of the Wabash and Erie canal, - - - - -	136	Lane,		136
On the subject of granting divorces by the legislature - - - - -	146	Berry of M.,		146
Requesting State Printer to furnish copy report superintendent Wabash and Erie canal, - - - - -	146	Hamer,	147	146
Permitting joint committee on public debt to employ a clerk, - - - - -	146	Lane,		148
In relation to county auditors elected in 1845, - - - - -	148	Hardin,		148
Proposing to go into the election of bank directors, - - - - -	148	English,		149
Calling on the Auditor of State for information relative to tract books for Clark county, - - - - -	148	Read,		160
Calling on Auditor for information as to cost of public works, - - - - -	160	Coffin,		160

744

Calling on apportionment committee to report, - - - - -	160	Chapman of L.,	160
Proposing a change in revenue laws, - - - - -	160	Allison,	160
Proposing to distribute copies of census of 1840, - - - - -	173	Goodenow,	173
Proposing to suspend joint committee on public debt, - - - - -	173	Chapman of L.,	174
On adjournment, - - - - -	174	Herriman,	174
Proposing to memorialize Congress for land in Oregon to settle the free blacks upon, - - - - -	174	Verbrike,	174
Proposing to reorganize the militia of Indiana, - - - - -	180	Hamrick,	180
Proposing to repeal the ninth section of the ninth chapter of the revised statutes of 1843, - - - - -	180	Davis,	181
Calling upon superintendent of New Albany and Vincennes road for information on McMannus's claim, - - - - -	180	Chapman of D.,	200
Calling on President of State Bank for information relative to the proceedings of the State board, &c., - - - - -	200	Buell,	200
Proposing to make the certificate of State Librarian sufficient vouchers, as suggested by Auditor of State, - - - - -	200	Akin,	201
Calling on superintendent of common schools for information, - - - - -	201	Todd,	201
In relation to judgments in the circuit or district court of the United States operating as a lien in certain cases, - - - - -	201	Pomeroy,	201
Proposing to reduce probate clerks' fees, - - - - -	201	Ellis,	201
Calling on Librarian for information relative to the cost of binding and arranging legislative papers, - - - - -	213	Berry of M.,	213
Proposing to adjourn until Friday, - - - - -	214	Parks,	215
Relative to the cash value of the land given for the construction of the Wabash and Erie canal, - - - - -	215	Verbrike,	215
Relative to surety for costs, - - - - -	215	Todd,	217
On apportionment for the next five years, reducing the number, - - - - -	215	Hamer,	216

745



# RESOLUTIONS OF THE SENATE—Continued.

## SUBJECT MATTER OF.

Introduced.	Mover's Name.	Other proceedings.	Adopted.
Calling on the Governor for information relative the Charles Butler's authority, &c.,	255 Holloway,		257
Calling on the Auditor for information relative to cost of public works, &c.,	256 Ellis,		258
Relative to going into the election of superintendent of the New Albany and Vincennes road,	257 Akin,	283	258
Authorizing the Auditor to employ a clerk,	258 Buell,		283
Relative to manual labor system in education of deaf and dumb,	258 Morgan,		283
Relative to purchasing a fire engine,	283 Verbrake,		288
Authorizing Secretaries of the Senate to employ assistants,	283 Ellis,		312
Requesting the House to return to the Senate bill No. 143,	288 Morgan of D.,		318
Relative to the delay in printing the Governor's message in German and French,	312 Ellis,		337
Relative to taking up the orders of the day at 2 o'clock each day,	318 Pomeroy,		406
Relative to adjournment,	337 Howell,		406
Relative to the appointment of a Bank examiner,	406 Wood,		407
Relative to insuring the State House and other State property,	406 Allison,		407
Relative to the contract for repairing State House,	407 Logan,		407
Calling on the President of the State Bank for information,	407 Handy,		407

Relative to increasing the tolls on New Albany and Vincennes road,	407 Jackson,		407
Relative to the meeting of the Senate at half past eight and at half past one each day,	427 Parks,	427	427
Relative to road work and road tax,	427 Handy,	Laid on table.	
Relative to the State water power at Indianapolis,	429 Todd,		
Calling on the Secretary of State for information relative to State Bank,	457 Buell,		457
Resolution on the subject of granting divorces,	521 Verbrake,		525
Proposing to elect a superintendent on the Wabash and Erie canal on Wednesday,	525 Wood,		
On the subject of entertaining new business after Thursday the fifteenth,	554 Lane,		554
Tendering thanks to Hon. G. S. Orth, (President pro tem.)	616 English,		616
Tendering thanks to Hon. James G. Read, (President pro tem.)	616 Miller,		
Tendering thanks to W. A. Gorman, Secretary, J. N. Akin, Assistant Secretary, and D. Miller, Doorkeeper,	616 Pomeroy,		616
Relative to adjourning <i>sine die</i> , and to wait on the Governor,	666 Ellis,		666
Resolution to adjourn, <i>sine die</i> ,	672 Hamer,		672



## R

## REPORTS OF STANDING COMMITTEES.

## AGRICULTURE.

In relation to overflowed public lands, - - -	86
On resolution proposing to amend tenth chapter Revised Statutes 1843, - - -	171

## AFFAIRS OF THE TOWN OF INDIANAPOLIS.

On petition on behalf of the common council of Indianapolis, -	397
--	-----

## CANALS AND INTERNAL IMPROVEMENTS.

On bill No. 39 of the Senate, to authorize settlement with A. McClain, - - -	155
On resolution relative to tolls, &c. being paid in par funds, -	177
On Senate bill no 89, - - -	322
On petition of sundry citizens of Parke county relative to feeder dam, - - -	322
On bill of the House No. 81, to lease water power, - - -	392
On petition of John C. Helms for re-lease of water power, -	392
On bill of last session, No. 231, for relief of A. Hendricks & Son, -	392

## CORPORATIONS.

On bill of Senate No. 12, - - -	135
On bill of Senate No. 54, - - -	143
On bill of Senate No. 52, - - -	144
On bill of Senate No. 59, - - -	144
On bill of Senate to incorporate Richmond and little Miami rail road company, - - -	144
On bill of Senate No. 58, - - -	145
On bill to incorporate Rising Sun manufacturing company, -	155, 156
On resolution in relation to granting charters to companies, -	156
Minority report on same subject, - - -	157
On bill of Senate No. 71, - - -	196
On bill of Senate No. 73, - - -	196
On bill of House No. 108, - - -	196
On bill of Senate No. 112, - - -	300
On bill of House No. 157, - - -	300
On bill to incorporate Lafayette hydraulic company, - - -	303
On bill of Senate No. 154, - - -	398
On bill No. 104, to incorporate Fort Wayne and Lima turnpike company, - - -	399
On bill of Senate No. 151, - - -	399
On bill of House No. 218, - - -	399
On so much of Governor's message as relates to corporations, -	632

## REPORTS OF STANDING COMMITTEES—Continued.

## CLAIMS.

On the memorial of Horace B. Smith, - - -	48
On memorial in relation to commissioners hearing evidence, -	134
On bill of House No. 17, - - -	142
On the bill authorizing settlement with Wm. Sill, - - -	145
On bill for relief of A. Hendricks & Son, - - -	179
On bill of Senate No. 81, - - -	191
On bill of Senate No. 40, - - -	192
On claim of Owen McMannus, - - -	323
On claim of Martin Fitzpatrick, - - -	324
On bill of Senate No. 141, - - -	398
On bill of Senate No. 102, - - -	398

## EDUCATION.

On resolution on subject of common schools, - - -	119
On resolution in relation to fees of Auditor and Treasurer, -	119
On memorial in relation to the Wabash College, - - -	132
On resolution in relation to surplus revenue interest, - - -	133
On bill of House No. 28, - - -	138
On resolution on subject of Bank tax fund, - - -	139
On resolution on subject of county auditors, &c., - - -	140
On resolution on subject of school commissioners, - - -	140
On memorial of Carey Goodrich, - - -	140
On Petition of Willis C. Wilmore, - - -	141
On resolution of Senate on morals of convicts in State prison, -	141
On subject of debt due by Wabash college, - - -	141
On subject of applying to Congress for land for use of schools, -	155
On subject of the deaf and dumb asylum, - - -	227
Report of minority of committee, relative to deaf and dumb asylum, - - -	268
On resolution in relation to common schools, - - -	295
On bill of House No. 178, - - -	296
On bill of Senate No. 76, - - -	299
On bill of House No. 150, - - -	299
On bill of Senate No. 103, - - -	319
On bill of House No. 188, - - -	321
On bill of Senate No. 114, - - -	381
On petition of George Donaldson and others, of Lagrange county, - - -	391
On subject of losses to university fund, - - -	394
On adopting the manual labor system in the education of the deal and dumb, - - -	392

## ELECTIONS.

On bill of Senate No. 24, - - -	223
On credentials of Senators, - - -	635



REPORTS OF STANDING COMMITTEES—*Continued.*

## FEDERAL RELATIONS.

On the subject of improving Western rivers, -	47
On subject of Governor's message, -	320
On joint resolution of Senate No. 4, -	320
On the improvement of the St. Joseph river, -	320
On subject of joint resolution relative to the inland seas, -	322
On subject of Cumberland road, -	368
On subject of the Oregon boundary, -	368
On subject of a grant of lands to soldiers of the late war, -	445
On subject of a school district in Lagrange county, -	446
On the subject of a petition relative to a State road in Noble, Whitley, &c., -	448

## FINANCE.

On expenditures of the State government, -	74
On bill of House, No. 24, -	129
On bill of Senate No. 35, -	129
On resolution on subject of State debt, -	130
On resolution of Senate in relation to the revenue laws, -	130
On resolution on subject of amending 13th section, chapter 12, Revised Statutes 1843, -	138
On resolution in relation to jurisdiction of justices of the peace, -	155
On bill of Senate No. 85, -	189
On bill of House No. 73, -	243
On bill of House No. 58, -	243
On bill of Senate No. 107, -	244
On bill of House No. 49, -	244
On bill of Senate No. 37, -	245
On bill of Senate No. 75, -	246
On bill of House No. 127, -	350
On bill of Senate No. 98, -	350
On bill of Senate No. 85, -	350
On petition of citizens of Hamilton county, -	351
On bill of Senate No. 131, -	351
On bill of House No. 129, -	352
On bill of House No. 226, -	352
Relative to the report of commissioners of the lunatic asylum, -	422
Against the petition of 55 citizens of Jefferson county relative to selling liquor by the quart, -	491

## JUDICIARY.

On petition of Ann B. Evans for divorce, -	42, 43
On bill of Senate No. 17, -	85
In relation to probate courts, -	109
On the subject of granting divorces, -	109

REPORTS OF STANDING COMMITTEES—*Continued.*

In relation to conveyance of real estate by R. Fletcher, -	110
On bill of Senate No. 11, -	110
On bill of Senate No. 12, -	110
On bill of House No. 9, -	111
On bill of House No. 26, -	111
On joint resolution of House, No. 1, -	111
On bill of House No. 23, -	111
On bill of Senate No. 32, -	112
On resolution of Senate proposing to abolish individual security on contracts, -	112
On the subject of the terms of certain officers, -	112
On subject of the estray laws, -	113
On bill of House No. 48, -	113
On bill of Senate No. 6, -	113
On subject of increasing pay of jurors, -	114
On resolution of Senate on subject of common schools, -	114
On resolution in relation to electing prosecuting attorney, -	115
On bill of House No. 5, -	115
On petition of Wm. S. Prentys, -	116
On subject of <i>ne exeat</i> laws, -	116

## JUDICIARY COMMITTEE.

On bill of House No. 25, declaring a misprint in Revised Statutes, -	117
On resolution in relation to jurisdiction of justices of the peace, -	117
On bill of Senate No. 23, -	118
On bill of Senate No. 10, -	118
On resolution in relation to assessing property, -	118
On bill of House No. 13, -	119
On petition of Henry Shiner, -	130
On resolution of Senate in relation to duties of executors, -	131
On resolution for the relief of the poor, -	131
On bill of Senate No. 52, -	169
On resolution proposing to strike certain names from duplicates, -	169
On resolution on subject of subject of divorce, -	169
On bill of Senate No. 38, -	170
On resolution of Senate relative to repealing certain laws, -	170
On resolution on subject of execution laws, -	171
On resolution on subject of sinking fund, -	191
On resolution on subject of apprentices' education, -	197
On resolution relative to the election of county auditors, -	211
On bill of House No. 35, -	225
On bill of House No. 90, -	225
On bill of House No. 68, -	225
On bill of House No. 138, -	226



REPORTS OF STANDING COMMITTEES—*Continued.*

On the su	On bill of House No. 72,	226
On subject	On bill of Senate No. 83,	227
On joint	On bill of House No. 104,	253
On the ir	On resolution on subject of liens on real estate,	267
On subje	On bill of Senate No. 14,	267
On subje	On bill of House No. 89,	268
On subje	On resolution on subject of fees,	268
On subje	On the subject of security for costs,	307
On subje	On bill of Senate No. 130,	308
On subje	On the petition of A. Morgan and others,	308
On subje	On the memorial of the trustees of Cambridge city,	308
On subje	On bill of Senate No. 122,	309
On the	On bill of Senate No. 26,	309
Whit	On resolution relative to the probate system,	309
	On bill of Senate No. 82,	309
	On Governor's message relative to costs of circuit courts,	310
On exp	On bill of House No. 27,	310
On bill	On bill of Senate No. 138,	311
On bill	On bill of House No. 59,	318
On res	On bill of Senate No. 124,	319
On res	On bill of House No. 168,	352
On res	On bill of House No. 227,	353
Rev	On bill of Senate No. 99,	353
On re	On bill of House No. 199,	354
On bi	On bill of House No. 120,	354
On bi	On bill of House No. 144,	354
On bi	On bill of House No. 151,	354
On bi	On bill of House No. 50,	355
On b	On bill of House No. 182,	355
On b	On bill of House No. 103,	355
On b	On subject of Governor's message, and taxation,	356
On b	On bill of House No. 185,	356
On b	On bill of House No. 177,	357
On	On bill of House No. 189,	357
On	On bill of House No. 133,	357
On	On bill of House No. 193,	358
On	On bill of House No. 136,	358
On	On bill of House No. 153,	358
On	On resolution relative to sinking fund commissioners,	359
Re	On resolution resolution relative to appraisement laws,	359
Ag	On bill of Senate No. 25,	359
	On joint resolution on subject of liens on real estate,	360
	On bill of House No. 152,	360
	On bill of House No. 83,	367
	On bill of House No. 243,	367
	On bill of House No. 210,	368

REPORTS OF STANDING COMMITTEES—*Continued.*

On subject of establishing a house of correction in each county,	390
On bill of House No. 238,	390
On the abolition of capital punishment,	391
On bill of House No. 180,	391

## ROADS.

On subject of repealing certain provisions in road law,	142
On resolution on subject of width of roads,	142
On bill of the Senate No. 97, and also in relation to road taxes,	237
On bill of the House No. 36,	237
On bill of the House No. 121,	-

## STATE BANK.

In relation to the publication of delinquent lands [forfeited] to trust funds,	99
On memorial of Horace B. Smith,	120
On subject of borrowers of sinking fund,	134
On subject of small bills issued by State bank,	193
On giving borrowers of sinking fund further time,	238
On bill of House No. 244,	277
On the subject of the proceedings of the State bank board,	277
On bill of Senate No. 142,	325

## STATE PRISON.

On resolution proposing to make a canal around the falls of the Ohio by convict labor,	86
On subject of General Government constructing canal around the falls of the Ohio,	172
On memorial of Simon Bottorff, proposing to lease,	398

## UNFINISHED BUSINESS.

On bill of last session, No. 231, for relief of Hendricks & Co.,	99
On bill of last session, No. 121, proposing to permit the State bank to continue to issue small notes,	99
On bill of the House of last session, No. 306,	121
On bill of the House of last session, No. 288,	121
On bill of the House of last session, No. 119,	327

## REPORTS.

From J. B. Dillon, State Librarian,	47
Lawrenceburgh branch of State bank,	51
J. B. Dillon's reply to resolution relative to State library,	242
From State officers, [see Documentary Journal.]	-



## S

## STATE PRISON.

Lessee elected,	-	-	-	608
Warden elected,	-	-	-	608

## T

## TREASURER OF STATE.

Reports as superintendent of common schools,	-	-	-	-
Annual report, [see Documentary Journal.]	-	-	-	-

## W

## WABASH AND ERIE CANAL.

Superintendent sends communication to the Senate,	-	-	-	137
Superintendent elected,	-	-	-	638

## U

## UNITED STATES SENATOR.

Resolution of the House reciprocated,	-	-	-	41
House invites Senate into Hall to elect,	-	-	-	44
Jesse D. Bright elected,	-	-	-	50



